

TOTALITARIANISM — POLITICAL
TRIALS

1986

JANUARY

~~FEBRUARY~~

— MARCH

W/E 4/1/86 4/1/86 33/

De Jonge: Secretary sacked

Weekend Argus Foreign Service

THE HAGUE. — Holland's Foreign Ministry has dismissed a secretary from its Pretoria embassy because of her alleged close ties with Mr Klaas de Jonge and another anti-apartheid activist.

The Foreign Office has declined to comment.

The woman, identified only as Miss Karin M, is said to have been too co-operative towards the Dutch anthropologist, Mr de Jonge, who has enjoyed diplomatic protection in the embassy since July last year.

Miss M, recalled to The Hague a few

weeks ago, shared her Pretoria flat with a friend who, it was later found, maintained close contacts with various Dutch anti-apartheid groups.

The secretary smuggled out of the embassy four letters from Mr de Jonge - one of which was found in the possession of her friend, Miss P, when she was arrested by security police at Alexandra township near Johannesburg.

It has been suggested that classified information held at the embassy in Pretoria on Dutch trade links with South Africa may have been passed on to anti-apartheid groups by the secretary and her friend.

... met by excited crowd

not seat everyone and the side aisles were lined with observers.

Mandela brought an urgent application against Minister of Law and Order Louis Le Grange and Commissioner of Police General Johan Coetzee for a declaration that the amendment to her banning order, prohibiting her from being in Johannesburg and Roodepoort, was invalid.

The notice was issued on December 21 last year and Mandela has twice been dramatically arrested and twice appeared in court for contravening its terms.

Since August, when her house in Brandfort, in the Free State, was extensively damaged in an arson attack, Mandela has lived in Soweto.

"The attack on my house left me in no doubt that my life was endangered by unknown assailants. I decided to remain in Soweto for my own safety and for those in my care," she said in an affidavit.

The amendment was null and void, Kentridge said, because it was so "grossly unreasonable, arbitrary and capricious" to tell someone to leave her only home forthwith that Parliament could not have intended such an order.

She should at least have been given an opportunity to make alternative arrangements for herself and her two

grandchildren who lived with her.

The validity of the notice is being attacked mainly on the ground that Le Grange did not give Mandela the reasons for radically altering the terms of her banishment order, even though they were relaxed.

He must have had specific reasons for deciding that she should not be in Johannesburg and Roodepoort in particular, Kentridge argued, adding that the minister was legally obliged — insofar as it was in the public interest to do so — to inform Mandela why he had made the change.

Because the minister did not give his reasons, Mandela was robbed of her right to make meaningful representations to him.

Mandela openly lived in Soweto for five months without the authorities taking action against her, and Kentridge said this was a tacit acknowledgement that the original order of 1983 was no longer in force and effect.

"You cannot amend a nullity," he said, adding that the 1983 order was in any case invalid as the minister had not provided adequate reasons for imposing it.

The case for the minister and the commissioner begins today.

331 9/1/86
From page 1

Sats plans to cash in on its properties

BUS DAY 8/1/86

CASH-STRAPPED SA Transport Services (Sats) plans to sell off or lease thousands of hectares of property to the private sector.

And yesterday several of the country's leading property developers expressed considerable interest in Sats' plans.

"A lot of innovative things can be done, say, on Johannesburg station and on wide concourses, which are for the most part largely empty," one said.

"It is not before time. Sats has a lot of prime land that can be made better use of," another developer said.

A Sats spokesman told *Business Day* a special property division had been set up to oversee the sale or lease of 32 000ha of property. The division was expected to be fully operational by the end of the month.

He said the decision was spurred by the promulgation of the State Property Rating Act, which comes into effect this year and requires the state for the first time to pay assessment rates on all its properties.

"By leasing some of our properties we can at least recoup part of what we have

CHRIS CAIRNCROSS

to pay in terms of rates," he said.

The new property division will fall under Sats' technical department and is to be headquartered in Johannesburg.

Sub-committees are also being established in each main centre to handle and identify specific property developments peculiar to the region.

The idea of making better use of Sats' vast property holdings had been mooted for some time, the spokesman told *Business Day*. Property to be placed on the market included some farms.

Apart from unused land, Sats also has ambitious plans to lease out space in its stations, harbours and subways.

Ideas go as far as the leasing out of "air space" alongside railway lines and on railway bridges.

"We are also prepared to consider ideas for decking over certain sunken railway lines," the spokesman said.

One of the main tasks of the new property development division would be to look at all potential uses for Sats land and buildings, he said.

Big crowd greets Winnie

BUS DAY 8/1/86

LINDA ENSOR

AFTER her first "legal" day in Johannesburg yesterday, Winnie Mandela was escorted from the Rand Supreme Court by a throng of enthusiastic, fist-clenching and ululating supporters.

TV cameramen and clicking photographers, who had waited all day to catch her image in their frames, were part of the dense crowd.

Mandela, looking stunning in a purple batik caftan and a mauve turban and

accompanied by friends and her family — including daughters Zeni and Zinzi — was present in court while her counsel, Sydney Kentridge SC, attacked the validity of her recently amended banning order.

The overcrowded court gallery could

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'Mrs Mandela has no civil liberties'

ARGUS 9/1/86 331
The Argus Correspondent

JOHANNESBURG. Mrs Winnie Mandela's civil liberties could not have been affected when amended banning orders were served on her, because she had none, the Rand Supreme Court heard today.

Mr Johann Smit, SC, for the Minister of Law and Order and the Commissioner of Police, said that since at least 1977 Mrs Mandela had no right to move freely around the country.

The Minister and the commissioner are opposing an urgent application brought by Mrs Mandela challenging the validity of restrictions barring her from entering the magisterial districts of Johannesburg and Roodepoort.

RESTRICTED LIBERTIES

Mrs Mandela was in court today wearing a brown kaftan and head scarf.

Under the order banning Mrs Mandela to her Brandfort house and last month's amended notice, Mrs Mandela had no right to make representation to the Minister, Mr Smit said.

The principle of a right of a hearing was effective only when a person had civil liberties — and these were restricted.

Mrs Mandela had no right to move freely throughout South Africa and therefore did not have the right to make representations when these restrictions were in effect relaxed in December.

(Proceeding)

Vigil charges dropped

Staff Reporter

PP645 9/1/86 331
THE State today dropped charges against seven people, including a Briton, for holding a candle-light vigil at the Luxurama Theatre, Wynberg, on December 4 last year.

Ms Patricia Flederman, 32, Ms Abdia Greenwood, 55, Mrs Gayatunisa Swart, 48, Ms Joan Leukes, 43, Mr Faruk Maasdorp, 32, Mr Ralph Sisman 43, and Briton Mr James Baggett, 41, were told by Mr W J Downen, a public prosecutor at Wynberg Magistrate's Court, that the Attorney General had withdrawn charges against them for holding an unlawful gathering in terms of the Internal Security Act.

They previously appeared in the same court on December 9 and did not plead.

Mandela ban 'inhumane'

cap Times 9/1/86

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JOHANNESBURG. — Defence counsel for Mrs Winnie Mandela yesterday told the Rand Supreme Court that the order which banned her from entering Roodepoort and Johannesburg was "inhumane" and "grossly unreasonable" because it took immediate effect.

Mr Sydney Kentridge, QC, told the court the banning order was invalid, because Mrs Mandela was entitled to a period of 14 days in which to make representations to the Minister of Law and Order, Mr Louis le Grange, about the order and the circumstances of the case.

'Justice'

However, no reasons for the prohibition were submitted by the minister and "Mrs Mandela's right was limited unless she knew what the allegations were against her".

The order was also invalid because it was issued on December 21,



Mrs Winnie Mandela

1985, and took immediate effect.

It was unreasonable and violated natural justice to order Mrs Mandela to get out of her own home "where she had lived openly since August 1985" and "it was completely inhumane" that she was not given enough time to make al-

ternative arrangements.

Mr Kentridge described the forceful removal by authorities of Mrs Mandela from her Soweto home late last year as "unreasonableness ... so gross as to amount to inhumanity".

He added that Mrs Mandela had been allowed to stay in Soweto before the banning order with the minister's and the police's knowledge because her house in Brandfort had been razed by arsonists.

He added that he could not understand why the minister banned Mrs Mandela from Roodepoort and Johannesburg and allowed her to roam elsewhere freely.

'Subversive'

"If a person wants to promote subversive activities they can do so in any other place. There must be some special reasons why he picked out these two places."

Mr Kentridge said that if certain information about the banning order was privileged and detrimental to public interest, then at least the minister could have said so and disclosed only the necessary information.

Mr Kentridge, after a lengthy debate with the judge, Mr Justice L J le Grange, asked that the Minister of Law and Order pay costs.

The matter continues.

Sapa

Order extended rights, court told

STAR 10/1/86

Winnie Mandela restrictions not harsh — Minister

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By Estelle Trengove
and Jenni Tennant

The Minister of Law and Order denied treating Mrs Winnie Mandela harshly when he imposed recent restrictions on her, the Rand Supreme Court heard yesterday.

In an urgent application contesting the validity of the order barring her from entering the magisterial districts of Johannesburg and Roodepoort, Mrs Mandela claimed it was unreasonable to remove her from her Soweto home without giving her time to make alternative arrangements.

Mr Johann Smit SC, for the Minister of Law and Order and the Commissioner of Police, denied this claim.

He said the State had offered to accommodate Mrs Mandela in a hotel for seven days or to pay her air fare to Cape Town.

Mrs Mandela submitted that the previous order, issued in 1983 and banishing her to Brandfort, had lapsed after her house was burned last August and she had moved to Soweto.

Mr Smit disputed this: "The Minister gave the Commissioner instructions to investigate the matter with a view to criminal prosecution when he became aware that she had left the area."

The fact that the Minister had taken these steps showed that he had not allowed the order to lapse, Mr Smit said.

He also submitted that none of Mrs Mandela's existing civil rights had been taken from her. On the contrary, her rights had been extended, he said.

Mrs Mandela was banished to Brandfort in 1977 and the amended order of last December lifted all restrictions except those barring her from entering Johannesburg and Roodepoort.

Mr Sydney Kentridge SC, for Mrs Mandela, argued that the Minister must have had reasons for changing the order and that Mrs Mandela was entitled to reply to these reasons.

STATUTE

"We are dealing with a statute (the Internal Security Act) which infringes the common law rights of individuals.

"The court must interpret statutes in order to assist the rights of a subject; to extend these rights and not to cut them down," he said.

Even if the amendment was an alleviation, Mrs Mandela still had a right to know why she was being kept out of Johannesburg and Roodepoort so that she could make effective representations in an attempt to have the notice withdrawn, Mr Kentridge said.

Mr Justice Louis le Grange reserved judgment.

Mr Johann Smit SC, assisted by Mr Manie Meyer, appeared for the Minister and the Commissioner. Mr Sydney Kentridge SC, assisted by Mr Gilbert Marcus, appeared for Mrs Mandela.

- Will be used to finance ...

SPML 13/1/86

Inquest into death of unionist

By Sheryl Raine

An inquest into the death of trade unionist Mr Andries Raditsela was scheduled to begin in the Johannesburg Magistrate's Court today.

Mr Raditsela (29), of Tsakane township near Brakpan, was a senior shop steward of the Chemical Workers Industrial Union (CWIU) and vice-chairman of the Transvaal region of the now defunct Federation of South African Trade Unions (Fosatu).

Mr Raditsela died in Baragwanath Hospital on May 6 shortly after being released from detention on May 4.

Later on May 4 he was admitted to the Far East Rand Hospital and later transferred to Baragwanath.

CONFIDENTIAL 13/1/86

The costs of housing Klaas de Jonge

From GEOFFREY
ALLEN

JOHANNESBURG. — Six months, and almost a million rand later, Mr Klaas de Jonge is still in virtual incarceration in the old Dutch Embassy building in Pretoria.

While the costs of keeping the refugee there continue to skyrocket there is little sign that his future will be sorted out in the near future.

Mr De Jonge sought refuge in the embassy building (owned by Nedbank) after he had pointed out a number of arms caches to security policemen.

He told them there was another cache in the Nedbank Building in the heart of Pretoria.

Once there he sought asylum.

Last week none of the numerous parties involved were prepared to put specific figures to how much it has cost for Mr De Jonge's stay in a single room in the building.

But with heavy, and continuous, police surveillance, living costs, the salaries of Dutch officials who are obliged to remain with Mr De Jonge to ensure his protection, telex costs to The Hague and Amsterdam, and the cost of two lawyers flying to South Africa to consult South African Government representatives, it is estimated that a minimum of R500 000 has so far been spent.

There are also various financially imponderable considerations such as the cost of flying one of the embassy officials back to Holland after she was discovered to be smuggling letters out of the building for Mr De Jonge.

Journalist acquitted

14/11/86

Own Correspondent

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STAR

CAPE TOWN — *Argus* journalist Ms Pippa Green, charged with contravening the Gatherings and Demonstrations Act, was acquitted in the Magistrate's Court here yesterday.

She was arrested on November 7 outside the *Argus* building in St George's Street while holding a placard saying "Blackout: Journalists protest".

The magistrate, Mr M J Tolken, said that at the stage Ms Green went out

to protest, 12 of her colleagues had already picketed. Evidence was that police were aware of the protest.

As others before her had not been arrested, her actions, as far as she was concerned, were not unlawful.

Mr Tolken found that Ms Green had intended to demonstrate. She had consulted her legal advisers before the picket. However they advised her the law was unclear whether the picket would be illegal or not, Mr Tolken said.

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945

Judge rejects plea on banning order

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APL Times 24/1/86

From GAVIN EVANS

JOHANNESBURG. — A Rand Supreme Court judge yesterday dismissed an urgent application by Mrs Winnie Mandela to overturn her banning order.

Mrs Mandela, wife of the jailed African National Congress leader, Nelson Mandela, was granted leave to appeal to a Full Bench of the Supreme Court by Mr Justice Louis le Grange.

"The matter is one of the personal freedom of the individual and is a question of great and important principal. I am therefore inclined to grant you leave to appeal," the judge said.

Mr Justice Le Grange said that he could not decide whether the decision by the Minister Law and Order to restrict Mrs Mandela was valid.

He found that he could not rule on the amendment to her 1983 banning order without ruling on the original order itself and the 12-month period to appeal against that order had expired.

The order restricts Mrs Mandela from entering the magisterial districts of Johannesburg or Roodepoort. Her preferred home is in Soweto which is in the Johannesburg magisterial district.

Her current "banning" order was described by the government as a relaxation of her previous set of restrictions issued on July 2 1983, which barred her from leaving the remote Free State town of Brandfort.

During the hearing, Mr Sidney Kentridge, for Mrs Mandela, argued that the order excluding her from her home town was "grossly unreasonable, arbitrary and capricious".

He said that the Minister of Law and Order, Mr Louis-le Grange, did not give her the reasons for radically altering the terms of her previous order and therefore robbed her of her right to make meaningful representation to him.

Mrs Mandela did not attend the hearing yesterday. She had received special permission to attend previously.

Her attorney, Mr Ismael Ayob, said: "I suggested to Mrs Mandela that she did not attend the court hearing because I thought it in her best interests."

Mr Aubrey Mokoena, publicity secretary of the Release Mandela Committee, said she was staying in a "quiet place".

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Blue Day 14/1/86

NOEL BRUYNS

"The inquiries came from the ordinary man who wants to sell his

Next month the company is

Topics to be covered include: claims procedures; prospecting, exploration and evaluation; underground mining methods; drilling and surface mining; SWA mining law; sampling, assaying and concentration; mineral processing techniques; and marketing of minerals.

Bulb DAY 14/86

GERALD REILLY

The season for summer grain farmers had started well, and a 10-

The major reasons for an expected maize export loss, Du Toit said, were escalating production costs, a heavily over-supplied world market and a price slump.

J. LIEBERMAN
ELECTRONICS (PTY) LTD

Green had consulted legal advisers, who told her the law was not clear as to whether the picket would be legal or not. — Sapa.

Political comment in this issue by Nigel Bruce. Newsbills by Neil Jacobson. Headlines and sub-editing by [illegible]. All of 121 Main

Money

IF YOU WISH TO ATTEND
DATE
TIME
ADMISSION : NO
JHB (071) 783-4947
04/7/89 : 783-4989/97

Winnie Mandela loses court battle

WINNIE Mandela yesterday lost her Rand Supreme Court application to have the amended banning notice issued last month declared invalid.

Facing a rain-soaked crowd of TV cameramen and journalists, Mandela's attorney, Ismail Ayob, said he was disappointed with the outcome.

He said he had thought it better for Mandela not to come to court yesterday, though this was not because he was worried about her being arrested.

A large gathering waited in the rain outside court to be informed of the court's decision.

Mr Justice Louis le Grange granted Mandela leave to appeal against his judgment, and this will be heard before a

LINDA ENSOR

full bench of either the Witwatersrand Local Division or the Transvaal Provincial Division as soon as possible.

In dismissing with costs the application which Mandela brought against Law and Order Minister Louis Le Grange, and Commissioner of Police General Johan Coetzee, the judge said Section 42(1) of the Internal Security Act precluded him from passing judgment on the validity of a banning order after the lapse of 12 months from the date of issue.

Thus he was powerless to judge on the validity of either the 1983 order, which banished Mandela to Brandfort, or the amendment which prevented her enter-

ing Johannesburg and Roodepoort. This legal bar had "serious" effects on all the other claims made by Mandela, except for her argument that the 1983 order had lapsed or been withdrawn before the amendment was issued on December 20.

He dismissed Mandela's claim that the 1983 order had lapsed or had been withdrawn after the arson attack on her Brandfort home. Le Grange, on learning of the fact that she was living in Soweto, said he had ordered an investigation with a view to a criminal prosecution.

"I find that the applicant has failed to show that she is entitled to any relief against either of the respondents," the judge concluded.

Leave to appeal granted as . . .

Court upholds restriction on Mrs Winnie Mandela

By Jenni Tennant

Mrs Winnie Mandela's application to have a notice barring her from entering Johannesburg and Roodepoort declared invalid was dismissed with costs in the Rand Supreme Court yesterday.

The wife of jailed African National Congress leader Nelson Mandela last week brought an urgent application against the Minister of Law and Order and the Commissioner of Police, contesting the validity of the order barring her from Johannesburg and Roodepoort.

Mrs Mandela was not in court to hear the outcome of the application, which lasted two days.

Mr Gilbert Marcus, counsel for Mrs Mandela, applied for leave to appeal.

In response Mr Justice L le Grange said: "The matter in issue is a matter of personal freedom of an individual and is an important principle. I am inclined to give you leave to appeal."

Mrs Mandela was granted leave to

appeal to a Full Bench.

In a judgment which lasted more than an hour, Mr Justice le Grange said he had to determine how a notice issued in 1983 by the Minister of Law and Order — which prohibited her from leaving Brandfort, in the Free State — affected Mrs Mandela's rights prior to the issuing of a notice last year.

On December 21 last year Mrs Mandela was served with an order prohibiting her from being in the Johannesburg and Roodepoort magisterial districts.

"This finding may have an important and far-reaching effect on the fate of the application," Mr Justice le Grange said.

He found that the court was precluded from adjudicating on the matter in terms of section 42 of the Internal Security Act.

In terms of the Act no proceedings could be instituted after 14 days of the issuing and serving of an order, and

a court could not decide on the validity of an order after a 12-month period.

It was argued in court that the notice issued in 1983 had lapsed or been withdrawn after her house in Brandfort was burned last August and she had moved to Soweto.

On this question Mr Justice le Grange said: "It seems to me the only way the Minister can withdraw any prohibition or restriction is to issue a written notice in terms of section 24 of the Internal Security Act."

Mrs Mandela had failed to show she was entitled to relief against either the commissioner or the Minister, he said.



Mr Ismail Ayob, Mrs Winnie Mandela's attorney, leaves the Rand Supreme Court yesterday after hearing the judgment on her application.

Hitch in Raditsela inquest

By Staff Reporters

A strong contingent of senior lawyers attended the first day of an inquest into the death of trade unionist Mr Andries Raditsela (29) but the proceedings failed to get off the ground at the Johannesburg Magistrate's Court yesterday.

The case was postponed until today after Mr P Oosthuizen SC, representing the Minister of Law and Order, the Minister of Defence and various policemen and military personnel, raised two troublesome legal points at the start of proceedings.

Mr Raditsela, of Tsakane township near Brakpan, died of a head injury in Baragwanath Hospital on May 6 last year shortly after being released from detention.

Magistrates 'compromised', say judges

ART Trevis
15/11/86
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Own Correspondent

DURBAN. — The Judge President of Natal, Mr Justice Milne, has recommended to the Chief Magistrate of Durban that none of the magistrates who, together with prosecutors, attended lectures and a video presentation held here by the police on November 15 last year, should preside at any trial arising from the country's unrest.

In a statement issued yesterday, Mr Justice Milne said he had been requested by the Minister of Justice to investigate the matter of the material presented by

the police and to lay down guidelines for the magistrates who attended the gathering.

"I requested three judges of this division to examine the material in question and to furnish me with their views — namely Mr Justice Howard, Mr Justice Kumbleben and Mr Justice Booysen.

"They have done so and are unanimously of the view that no magistrate who attended the gathering should preside at the trial of any person accused of a 'political' offence arising out of the current wave of unrest or involving the ANC, the UDF or any other or-

ganization identified in the lecture notes as being responsible for such offences.

"On the basis of the information contained in the judges' memorandum, I endorsed their views, and I have written to the Chief Magistrate recommending that none of the magistrates who attended the gathering should preside at any such trial.

"The Minister of Justice has been fully informed of the position."

In a memorandum, the three judges say the material presented at the gathering comprised lectures which:

- Dealt with the communist onslaught against this country and the various strategies employed by the "enemy".

- Sketched the history of organizations such as the ANC, PAC and UDF.

- Described the nature and extent of acts of terrorism, subversion and sabotage committed in the Port Natal area in the current wave of unrest generally.

- Purported to identify the organizations responsible for the unrest.
- There was also a video tape recording of stone-throwing, rioting, petrol-bombing and other acts of violence

committed in the course of unrest over the past 12 months, including a scene in which a crowd kills a black woman.

The judges said that in their view the content of the video and lectures was not per se significant and could have been seen on SATV or read in newspapers.

"What is objectionable, we think, is that special arrangements were made for the police to present this material to a gathering of magistrates and prosecutors and that much of what the police spokesman stated without qualification, as established fact,

would be in dispute and have to be proved in so-called 'political' trials presided over by the magistrates to whom they were speaking.

"Whilst we have no reason to believe that any magistrate who attended the gathering will in fact be prejudiced by what he heard and saw, we think that all of them have been seriously compromised by attending it.

"Whatever the true reason for the gathering, in view of the unfavourable press publicity and comment which it has attracted, the general public and accused persons

might and probably would conclude that the object was to influence the magistrates to treat certain 'political' offences in a serious or more serious light.

"And their conclusion would be justified, for the notes show that the lectures were calculated to achieve that object.

By joining prosecutors in an audience lectured to by police, the magistrates had, to outward appearances, so identified themselves with the prosecution that the public and accused people could justifiably have reservations about their impartiality in political trials.

Police did not initiate briefing

CAPE TIMES 16/1/86
Own Correspondent

DURBAN. — The meeting at which police presented videos and lectures to prosecutors and many of Durban's magistrates was convened by Durban's Chief Magistrate, Mr J J Pienaar, it was disclosed yesterday.

A spokesman for the Department of Justice in Pretoria, Mr Dave Swanepoel, said the initial invitation had not come from the police.

"It was not compulsory for magistrates to attend — 30 out of 65 did," he added.

Mr Pienaar's secretary yesterday said he had no comment to make.

On Tuesday, the Judge President of Natal, Mr Justice Milne, recommended to Durban's Chief Magistrate that magistrates who attended the meeting in Durban last November should not preside at any political trial arising from the country's unrest or involving the ANC, the UDF or any organization identified in the lecture notes as being responsible for such offences.

The guidelines followed a request from the Minister of Justice, Mr Kobie Coetzee.

'Independence of judiciary at stake'

Mr Swanepoel said: "The Minister of Justice has on various occasions expressed his disapproval of briefing of magistrates under circumstances such as has occurred in Durban, but these are matters which should and can be best dealt with by the courts themselves."

● Sapa reports that Mr Andries Geyser, president of the Natal Law Society, said the independence of the judiciary in South Africa could be at stake if a repeat of the recent meeting of Durban magistrates were to take place.

Mr Dave Dalling, PFP spokesman on Justice, said the statement showed beyond doubt that the action of the police was incorrect and prejudicial to the proper administration of justice.

"A statement should be made giving assurance that no magistrate who attended the meeting will preside at a political trial," he said.

A UDF spokesman said the organization welcomed the decision of the Judge President, but that it must be remembered that chance factors brought the activities of the police to public notice.

"Otherwise this gross violation of what remains of justice and fair play in present day South Africa would have taken a further dramatic plunge."

(331) BUSDAY 16/1/86

Court examines Casspir

A JOHANNESBURG inquest court yesterday visited a temporary police station in Tsakane, near Brakpan, to examine the Casspir from which trade unionist Andries Raditsela was thought to have fallen after being arrested on May 4 last year.

The magistrate, Mr L Steenkamp, decided on an inspection *in loco* during the evidence of Warrant-Officer John Wiese, who told the court he had arrested Raditsela about 8am on May 4 during an unrest incident.

Wiese told the court that as they stopped at the Tsakane police station, he heard a scuffle at the back of the Casspir where Raditsela and another black man were sitting. He was later told that one of the men had fallen out of the vehicle but was uninjured.

He said he had seen Raditsela lying on the ground and then being helped to his feet by two policemen. He appeared drunk but uninjured.



● RADITSELA

Asked by Transvaal Deputy Attorney-General A C Human why he had not helped Raditsela down the Casspir's stairs, Wiese said there was not enough room for two people on the vehicle's stairs.

At the *in loco* inspection, court officials examined the back of the Casspir used on the day Raditsela was arrested. The court also inspected the inside of the police station where Raditsela had been detained.

Wiese told the court earlier that Raditsela had vomited in the police station, but he had attributed this to drunkenness. He said Raditsela appeared to become more drunk two hours after being arrested, but his condition improved by midday.

Raditsela was being interrogated during this time by Warrant-Officer Prins of the Security Police, who asked Wiese why Raditsela was ill.

Wiese replied that he thought the man was drunk. Prins then said that if Raditsela was not drunk he would need medical attention. Wiese told the court he had thought it unnecessary to obtain treatment for Raditsela. — Sapa.

Shahieda Issel in court

One Times 10/1/86

Court Reporter

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UNITED Democratic Front activist Mrs Shahieda Issel yesterday appeared in Cape Town Magistrate's Court in connection with a warrant issued for her arrest on January 8.

Mrs Issel, who spent almost nine weeks in detention last year, was being held when she was to have appeared in court for the first time on a charge of possessing publications of a banned organization.

She was due to appear again after her release, but failed to do so, and a warrant was issued for her arrest.

Mr Mushtak Parker, for Mrs Issel, said although his client had been released by the security police before the date of her last appearance, his offices had been closed and she had not known what to do.

The magistrate, Mr M Tolken, ordered that the warrant be cancelled and Mrs Issel's bail of R50 extended.

The hearing was postponed to February 4 for the Attorney-General's decision.

Mr C Gavin was the prosecutor.

Eight charged with sedition

21/1/86 (33)
Eight men appeared before a Johannesburg magistrate yesterday charged with sedition.

Mr Nicodemus Thloriso Phake (29), Mr Vusi Ben Nko (22), Mr Kenneth Moshe Mampondo (21), Mr Stanley Sekgotyane (21), Mr Ruben Moliki (22), Mr Reginald Maphumulo (24), Mr Gogo David Sosibo (19) and Mr Stephen Menoe, all of Mhla-keng, Randfontein were not asked to plead.

The men were remanded to January 24 while the State applied for Section 30 certificates to deny them bail.

Police evidence a pack of lies, advocate tells inquest



Staff Reporter

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ODENDAALSRUS — An advocate at an inquest in Odendaalsrus said yesterday a police detective was either "telling a pack of lies" or the court had "witnessed another police miracle".

Mr Aaron Mendelow QC made this allegation while cross-examining Detective Constable Samuel Mashabe about the death of Phillip Siphon Mutsi (17), a branch organiser of the Congress of South African Students (Cosas).

Mr Mutsi was detained on May 4, last year, by Odendaalsrus police and died 12 hours later at Pelanomi Hospital, Bloemfontein.

Constable Mashabe made two sworn statements before he was subpoenaed to give evidence at the inquest. The first was requested by the investigating officer only seven days after Mr Mutsi's death.

In these affidavits, he claimed that police had not assaulted Mr Mutsi, but that Mr Mutsi had slipped during interrogation, hitting his chin on an iron

table, and had later fallen unconscious after having an epileptic fit.

Constable Mashabe admitted having signed the first statement, drawn up by Major Victor L Stewart from Welkom, although he knew it was incorrect.

Constable Mashabe said that later he remembered various facts and went back to Major Stewart. He said he had remembered that Mr Mutsi was "only unconscious for about 30 minutes before they called for medical attention". He then made a second sworn statement to Major Stewart, he said.

Mr Mendelow said the statement had been signed by Major Cornelius Langenhoven and Constable Mashabe and that it was in Major Langenhoven's handwriting. Constable Mashabe said repeatedly he had spoken to no one about Mr Mutsi's death, except Major Stewart.

"I cannot believe that there was a sudden pall of silence that descended on this police station after this unusual death," Mr Mendelow said.

The hearing continues.

CAT Times

23/1/86

Mandela bail ~~351~~ plea ~~351~~ granted

From MIKE CADMAN

JOHANNESBURG. — A Krugersdorp magistrate yesterday opened the way for Mrs Winnie Mandela to apply to a Brandfort magistrate for permission to enter Johannesburg and Roodepoort.

Following an application by Mrs Mandela's lawyer, Mr Ismail Ayob, the magistrate, Mr C J Eksteen, ordered that the words "unless she is lawfully in that area" be added to the bail conditions prohibiting her from entering the magisterial districts of Johannesburg and Roodepoort.

Mrs Mandela appeared in Krugersdorp Magistrate's Court yesterday on charges of breaking her banning order.

She was not asked to plead and the hearing was postponed to February 19 when a date for trial would be set.

The prosecutor, Mr G Thiar, said he had no objection to the amendment to the bail conditions asked for by Mr Ayob.

Mr Ayob said the validity of Mrs Mandela's amended banning order would be contested when they appealed against a decision by the Rand Supreme Court to uphold amendments imposed on December 21 last year.

A large crowd of journalists and about 100 supporters mobbed Mrs Mandela as she left the court.

Police ordered the crowd to disperse but many followed her to her car while bystanders watched.

A police crew filmed the crowd.

White ANC man will serve 7 years

By Gavin Engelbrecht
Eric William Pelser (21), who underwent military training with the banned African National Congress after fleeing South Africa to avoid conscription, was today sentenced in the Rand Supreme Court to an effective seven years' jail for treason and possessing banned literature.

In passing sentence, Mr Justice L F Weyers said: "It is lamentable that a young man on the threshold of his life should destroy his chances to this extent."

Based on his own admissions, Pelser, the first white believed to be charged with undergoing military training with the ANC, was yesterday convicted of treason, possessing LSD and banned literature.

Pelser pleaded not guilty to treason but guilty to an alternative charge of contravening section 54 of the Internal Security

Act and to the possession of LSD. He pleaded not guilty to possessing banned literature.

Pelser admitted that he joined Umkhonto we Sizwe — the military wing of the ANC — and had been trained to use weapons and explosives.

Raided flat

He was arrested last July when security police raided his Hillbrow flat and found an AK-47 rifle, ammunition, hand grenades and several banned publications.

Pelser said he had fled South Africa because he did not want to join the army. He joined the ANC in Botswana after it had offered to help him further his studies overseas.

He said he joined Umkhonto we Sizwe after being told he would have to complete a three-month course in explosives and

ammunition. Then he returned to South Africa with the weapons and ammunition and established himself under an alias.

Summing up, Mr Justice Weyers dwelt on Pelser's failure to give evidence. He said in the light of that, the court could not be certain that Pelser would not have committed sabotage if he was still an active ANC member and whether the weaponry he brought back was for ornamental or macho image purposes.

Pelser was sentenced to nine years' jail for treason of which three years was suspended for four years. For the possession of LSD, he was sentenced to 12 months suspended for four years. He was sentenced to two years, of which one year was suspended for four years, for possessing banned literature. A R200 fine (or two months) was also imposed for possession of banned literature.

I was afraid the sentence would be heavier — mother

By Jo-Anne Richards

A tense hush hung over the packed courtroom as sentence was passed today on Eric Pelser, convicted of treason.

"So, Mr Pelser, your effective sentence is seven years," concluded Mr Justice L F Weyers.

Pelser, standing quietly in his light gray suit, showed no sign or change in expression. His parents sat unmoving.

As the court adjourned, the tension broke and a small crowd of well-wishers clustered around Pelser, chatting and laughing.

"I think I am relieved," said Pelser's mother, Mrs Ellen Pelser. Calmly, but with tears in her eyes, she said: "I was scared the sentence might be heavier".

Mr Henry Pelser said he also felt relief following the long period of waiting since July last year. Describing Eric as "always a rebel" and a "maverick" Mr Pelser said: "He knows he must go to jail. It is just a question of how long. He has already signed up to finish his degree."



An artist's impression of Eric Pelser awaiting sentence.

Charges

withdrawn

24/1/86
ZWELITSHA. — Charges were yesterday withdrawn against five men appearing in connection with the killing of a Ciskeian soldier at the funeral in August last year of the murdered civil rights lawyer, Mrs Victoria Mxenge.

The five were Monde Mxenge, Vuyisile Mati, Read Dyantyi, Fundile Mayoyo and Binisile Mzolisa.

The prosecutor, Mr M Malotana, announced that the Ciskei Attorney-General, Mr W F Jurgens, had withdrawn the charges. He then issued subpoenas on the five men to give evidence next month at the inquest on Corporal Myamezeli Bless. — Sapa

Evidence about woman disputed by defence counsel

MARITZBURG — Defence counsel for the four treason trialists alleged today that the woman whom a secret witness claimed to have interviewed in Lesotho for ANC membership, never left South Africa during the time in question.

The woman the witness has alleged to have interviewed in Lesotho appears on a photograph with two of the treason accused, Mr Thozamile Gqweta and Mr Sisa Njikelana.

25/2/86 STAR
Defence counsel for the four accused brought a woman into court whom they allege is the woman in the photograph, and said she was a student in the Ciskei and had not left South Africa at all during the relevant time.

The secret ANC witness was giving evidence in the treason trial of Mr Gqweta, Mr Njikelana, Mr Samuel Kikine and Mr Isaac Ngcobo. They are all leaders of the South African Allied Workers Union.

The witness, who alleged the ANC had personal files of "contact persons" Mr Gqweta and Mr Njikelana amongst its security documents in Lesotho, denied that the woman in the photograph was the one who appeared in court.

Defence advocates Mr Clifford Mailer and Mr Marino Moerane said the witness, whom they accused of lying when the need arose, took the only way left open by disputing the identity. — Sapa.

Proceeding.

Azapo men face sedition charge

25/1/86 By Inga Molzen 331

A national executive member of the Azanian Student Movement (Azasm), Mr Stanley Sekgotyane, and six members of the Azanian People's Organisation (Azapo) appeared before a Johannesburg magistrate yesterday in connection with a charge of sedition.

The men were remanded to February 3 to be indicted. None of them was asked to plead.

The Azapo members are Mr Nicodemus Thloriso Phake (29), Mr Vusi B Nko (22), Mr Ruben Moliki (22), Mr Reginald Maphamulo (24), Mr Gogo David Sosibo (19), Mr Stephen Menoe (20), all of Randfontein. Mr Sekgotyane has been in custody since August 29 last year. The others were detained a month earlier.

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Cape Times 28/11/86

ANC trainee found guilty of terrorism

Staff Reporter

PAARL Regional Court yesterday rang with the sounds of political slogans as a 24-year-old Paarl man, found guilty of terrorism for training with the African National Congress in Angola in 1983, gave the crowded public gallery the "Amandla" salute.

Michael Mkuseli Matakata, of Mbekweni, Paarl, was convicted of terrorism for contravening the Internal Security Act by undergoing military training — including training in the use of firearms, ammunition and explosive devices — at the Caxito training camp in Angola between March and May 1983.

Sketches of weapons

Lieutenant-Colonel Daniel le Roux, of the Paarl security police, said that Matakata voluntarily signed a statement in April 1985, saying that he had attended the training camp in Angola. This statement was handed in to the court.

Lieutenant-Colonel Le Roux said he asked Matakata to make sketches of the weapons on which he had been trained, which Matakata did.

In reply to questions from Mr A M Omar, for Matakata, Lieutenant-Colonel Le Roux said Matakata had been held under Section 29 of the Internal Security Act from the time of his arrest until his first court appearance in July 1985. During that period he had had no access to his lawyers or to members of his family, he said.

Asked about Matakata's allegations that he was assaulted at various times while he was in custody, Lieutenant-Colonel Le Roux said a docket had been opened in December 1984 and had been investigated, but the Attorney-General had decided not to prosecute.

Evidence in camera

The magistrate, Mr J Lemmer, said Matakata's statement had said he left South Africa in 1982 to further his studies. He came into contact with ANC members in Botswana and Zambia. He returned to South Africa over the Botswana border in October 1984.

He said a witness who gave evidence in camera so as to protect her identity had told the court she met Matakata in the Caxito training camp.

The case continues today.

Police searched each person in the gallery before allowing them into the court, both before proceedings began and after lunch. There was room for only a part of the crowd who wished to attend the trial.

Mr A de V la Grange, of the Cape Town Attorney-General's office, appeared for the State. Mr Omar was instructed by R Vassen and Co.

ANC-trained man jailed for 7 years

Staff Reporter

A PAARL man was yesterday jailed for seven years after he was convicted in the Paarl Regional Court of terrorism for training with the African National Congress in Angola in 1983.

Michael Mkuseli Matakata, 24, of Mbekweni, Paarl, was found guilty on Monday. He was trained in the use of firearms, ammunition and explosives, at the Caxito training camp in Angola between March and May 1983.

At the start of proceedings Mr A M Omar, for Matakata, said he was withdrawing from the proceedings as Matakata wished to conduct his own defence and address the court in mitigation.

Matakata disputed some of Monday's evidence and said he had been convicted unfairly.

'Mistakes'

Asked by the magistrate, Mr J Lemmer, to confine himself to remarks in mitigation, he said: "If the court cannot realize that it found me guilty unfairly and unlawfully and if the defence cannot see the mistakes it committed yesterday then they must proceed with their evidence."

Mr Omar then resumed the defence.

Mr Omar said that while Matakata had received military training, he did not do anything with it. "He was back

from training in October 1984 and until his arrest he appears not to have done very much at all."

He said Matakata had been held under Section 29 of the Internal Security Act for a long time and had been in custody since December 1984.

"He is a person of strong political views. It is of course not necessary for me to point out that the courts will not punish a person for their political beliefs."

"A person is entitled to have any views, he is entitled to have a vision of the kind of society he wished to have. It is when a person commits an unlawful act that the court will punish him," Mr Omar said.

'Grievances'

"We have a situation in which people have had real grievances. The court should take into account that Matakata did not act because he was rebelling against all society or just being destructive but that he was acting out of political motives and in reaction to the kind of situation people like him find themselves in," he said.

Mr A de V la Grange, for the State, said Matakata had undergone military training of his own free choice. He said Matakata's statement showed that he did not commit acts of violence after his return to South Africa because he was careful.

Mr Omar was instructed by R Vassen and Co.

BUS DAY 30/1/88

800 on trial with 22 UDF treason accused

NOT ONLY are 22 top United Democratic Front (UDF) leaders on trial in the Delmas Circuit Court, but about 800 co-conspirators as well.

And it emerged yesterday that in addition to the list of co-conspirators attached to the indictment, there is also a list of "active supporters" of the UDF, among whom is Bishop Desmond Tutu.

The list of co-conspirators — officials of 54 organisations affili-

ated to the UDF — reads like a "Who's Who" of anti-apartheid political leaders. Prominent among them is UDF patron Dr Beyers Naude, general secretary of the SA Council of Churches.

These people could themselves face trial if the 22 accused are found guilty of treason.

Tutu was accused yesterday by a former ANC cadre of having met Joe Slovo, ANC commander of

special operations.

The witness, who may not be identified, said Tutu, his wife Leah and Slovo met in secret at Zambia's international airport in 1984.

George Bizos, defence counsel for the 22 UDF leaders, sounded a note of caution about this evidence because Tutu's name was not on the list of co-conspirators.

However, prosecutor Flip du Plooy said the evidence was relevant because Tutu's name was on the list of "active supporters".

LINDA ENSOR

AIRLINE MAIL

(7/27/86) (331) 463
Jailed for
being ^{CAPC TiniS 463}
SAAWU
member

MDANTSANE. — A 28-year-old man was sentenced to 12 months imprisonment by a Mdantsane magistrate yesterday for being a member of the South African Allied Workers' Union and for possession of prohibited publications, Sapa's correspondent reports.

SAAWU is banned in the Ciskei.

Wilton Vanto, 28, was found guilty on two counts of contravening Ciskei security laws by being in possession of two booklets entitled "The ICU" and "Work In Progress", two newsletters entitled "You and the new Pass Laws" and "Saspu Focus, VI, No 2".

In the second count he was charged with being in possession of nine SAAWU membership application forms and a piece of cloth emblazoned "SAAWU, getting set for operation".

The magistrate sentenced Vanto to 12 months imprisonment, half of which was suspended for three years.

Vanto pleaded not guilty, saying he had recently acquired the room and that the previous lodger had left the documents.

The magistrate found that all the prohibited publications had been found in a drawer next to Vanto's bed, while the SAAWU membership forms and the piece of cloth had been found under his mattress. — Sapa

Another day. Another treason witness

The mammoth treason trial at Delmas has drawn little media attention. Perhaps treason has become just another routine charge PATRICK LAURENCE reports

THE yellow police vehicle drove down the placid streets of the farming town carrying 22 black men to the newly-built court complex to begin another day in what could be a long succession of days before their trial for treason comes to an end.

The trialists were escorted into the Delmas courtroom. An access road to the front of the court building was sealed off by armed policemen. Highly trained members of the riot police stood guard in the hall opposite the main entrance, in the passageway outside the court and in the courtroom itself.

The men varied in age from 20 to 61. They included leaders of the United Democratic Front and its affiliate, the Vaal Civic Organisation, as well as sympathisers of its ideological rival, the Azanian People's Organisation. All have been in jail for months. Some have been there for more than a year. Bail has been refused.

The 22 account for more than two-thirds of the 32 people facing charges of treason in four trials. Last year 56 people, 55 men and one woman, were charged with treason in eight trials. Eight were convicted and jailed, 16 acquitted, including 12 of the 16 people indicted for treason in the trial in Pietermaritzburg.

The Delmas trial, as the trial of the 22 has been dubbed, has drawn little attention from the media. Perhaps it is a sign of the times. Treason is no longer an unusual crime to be accused of.

The routine newspaper reports are likely to become even shorter as the trial progresses. The published list of state witnesses runs to 220 names. But it does not include the names and addresses of all witnesses the state plans to call.

A feature of the trial so far — it started on January 20 — has been the testimony of witnesses whom the press has been forbidden to identify, directly or indirectly, by Judge K Von Dijkhorst. Two have been renegade members of the banned African National Congress. The third is a renegade member of legal extra-parliamentary organisations.

Another distinctive feature of the Delmas trial is that the 22 face an alternative charge of murder. The

A STATE witness in the Delmas treason trial said this week that he had contemplated suicide during nearly four months of police interrogation.

The witness, a former Azapo member, who was giving evidence in camera at the trial, told the Delmas Circuit Court that during his detention he had been interrogated from 8am to 4pm. He also admitted to having been assaulted while in detention.

After this admission, counsel for the defence made application to the court that the witness reveal where and by whom, he was interrogated, but this was disallowed. The application was made on the grounds that the information might also relate to later witnesses.

There are likely to be between 10 and 15 more witnesses from the Vaal who will testify behind closed doors.

During his testimony, the witness who is the latest in a string of in-camera "Mr Xs", described a march organised by the Vaal Civic Association (VCA) on September 3, 1984.

charge relates to the killing by enraged black crowds of five men, including four town councillors, in the Vaal Triangle. The killings took place in September 1984 and marked the start of the current rebellion in the black townships.

Eight people have already been convicted of murder for the killing of one of the councillors, Khuzwayo Dlamini. Six of the eight have been sentenced to death.

Ten more people currently face murder charges for allegedly killing another councillor, Caesar Motjeane, and his driver, Phineas Matibidi. Further trials are pending.

The murder charges against the Delmas 22 — one of whom, Father Geoffrey Moselane, is an Anglican priest — is that they incited "the masses" to attack and kill members of the government-sponsored town councils in black townships in the Vaal Triangle.

In court room D in Delmas the third unidentifiable witness faced cross-examination by counsel for the defence, George Bizos, SC, on the role of town councils. For the most part he answered in short sentences of two or three words.

The fundamental objection to the councils from the black community was that they were offered as a substitute for meaningful participation in central government, Bizos said. "We agree on that," replied the

State's man says he thought of suicide

By LAUREN GOWER

He said:

●Esau Raditsela, a VCA executive member who is now in exile, had called for the killing of community councillors when he addressed a crowd before the protest march. He told the court that Raditsela had also listed a number of "targets" that were to be destroyed in the course of the march, including police property.

●While the crowd was marching from the Catholic Church in Small Farm, Evaton, to the administration board in Houtkop, a man in a group had pointed in the direction of a lane where community councillor Caesar Motjeane lived, and exclaimed "There's the dog."

●People had then converged on

Motjeane's house where they had begun to throw stones. The house was later set alight. The witness said he was aware that there had been a police presence near the house earlier in the day and that during the attack shots had been fired on the crowd.

●Three of the accused — Simon Nkodi, Gcinumuzi Malindi and Oupa Hlomoka — had been in the vicinity of the councillor's house during the attack. However, Mr X said he had not managed to identify the man who was dragged from the house.

In his cross-examination of the witness, George Bizos, SC for the defence, said he believed the witness's four months of interrogation had led him to paint an "incorrect picture" of the events of the morning of September 3.

Bizos said the march was a peaceful

one organised by the Vaal Civic Association to protest against high rents and he queried why other targets pointed out by Raditsela "for the wrath of the marchers" had not been attacked.

He said Motjeane's neighbours and people in the community "were incensed" with him before the march because they believed he had shot a child. "Because of this rumour, because of the police presence, because of the shooting in the morning, his immediate neighbourhood was up in arms early in the morning."

Bizos said that Nkodi, Malindi and Hlomoka would also deny that they had been in the vicinity of the Motjeane's house while it was being attacked by the crowd.

Bizos said that the defence's preliminary investigations pointed to the possibility that the man the witness had seen being dragged from the councillor's house might not have been the councillor, but his bodyguard, who was killed on the same day.

to get a house without paying a bribe, the witness said: "Yes." He himself had been a victim, he added, before concurring that, in Bizos's words, there was "tremendous popular resistance" to the councils.

● Since the rebellion in the Vaal Triangle, there have been 12 vacancies on the town council. The council has held by-elections on three occasions to fill the seats. But each time — the most recent was last week — it failed to attract a single candidate.

OFFICES TO LET
BRAAMFONTEIN

Braamfontein Centre

Place in Braamfontein
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Cape Times 21/1/86

UDF men plead not guilty

31

JOHANNESBURG. — Twenty-two members of the United Democratic Front yesterday pleaded not guilty before a Delmas Circuit Court judge to charges of treason, alternatively subversion, terrorism, furthering the African National Congress's aims and five counts of murder.

Among the trialists are UDF publicity secretary Mr Patrick Lekota, former UDF Transvaal secretary Mr Moses Chikane, UDF general secretary Mr Popo Molefe and Vaal Civic Association executives Mr Tsietso Mphuthi, Mr John Mokoena and Mr Sam Matlole.

Entering his plea, Mr Lekota told the judge: "I would like to reaffirm that the UDF is committed to non-violent change."

Before the start of the trial, police closed off a road leading to the court and patrolled the area. Police also used a video camera to film people who attended the trial.

In a statement submitted to court in support of their plea, the accused stated that although they admitted the ANC and the South African Com-

munist Party were committed to violently overthrowing the government, they denied that they conspired with such organizations.

"The accused admit that in Cape Town on August 20, 1983, the UDF was constituted as an organization consisting of a number of democratic organizations which were affiliated to it as members," it said.

"The accused state that the UDF was a lawful organization, which functioned publicly and lawfully in opposition to the government's proposals for a new Constitution and its policy of apartheid."

Counsel for the State asked that evidence of a State witness who was to have given evidence yesterday, be held in camera as this witness was a former member of the ANC and his life would be in danger if his identity were disclosed.

Mr Justice K von Dijkhorst adjourned the trial to enable counsel for the State to present witnesses who would give evidence as to why the State witness's evidence should be held in camera. — Sapa

State witness fears for life — claim

Treason trial waits for decision on in-camera plea

21/1/88
STAR
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By Kym Hamilton,
Pretoria Bureau

The treason trial of the 22 Vaal Triangle activists will enter its second day today behind closed doors as the judge deliberates on whether to hear the testimony of the first State witness in camera.

The first day of the trial in the Delmas Circuit Court yesterday, on the State's own admission, got off to a bad start when the counsel for the State, Mr P B Jacobs announced the first witness he intended to call feared for his life and he asked the evidence be heard in camera.

Mr Jacobs, after naming the witness, described him as a former member of the African National Congress and said his testimony could endanger his life.

Defence counsel, Mr A Chaskalson (SC), opposed the application, on the grounds that the State had named the witness in an open court and his identity could therefore no longer be protected.

CHARGES

After a lengthy adjournment, the case was postponed for a day to give the State the opportunity to prepare its application in terms of Section 65 of the Internal Security Act for an in-camera ruling. The application will also be behind closed doors and witnesses are likely to be called.

The 22 men yesterday pleaded not guilty to the main charge of high treason and the alternative charges of murder, terrorism and subversion,

denying they conspired with the African National Congress or among themselves or with any other party to overthrow the South African government with violence.

Many of the accused are prominent United Democratic Front executive members and members of the Vaal Civic Association.

The trial is expected to last for about a year, with the men having to defend a 300-page indictment of their activities and the list of possible State witnesses containing more than 200 names.

Most of the men have been in jail for more than a year, both as detainees in terms of the Internal Security Act and since June as awaiting-trial prisoners.

Ruling on treason evidence by ex-ANC member is due today

By Kym Hamilton
Pretoria Bureau

The family of some of the 22 men on trial in the Delmas Circuit Court for high treason yesterday waited patiently outside the courtroom for a chance to see their husbands, sons and fathers as the State continued with its in-camera application.

At lunchtime, they were allowed down to the cells to see them and hand over food parcels.

Most of the men have been in jail since September 1984. Bail was refused by a full bench of the Pretoria Supreme Court last year. All 22 pleaded not guilty to the main charge of high treason and alternative charges of subversion, murder and terrorism. Mr Justice Van Dijkhorst is on the Bench with two assessors.

On the high treason count, the men are accused of orchestrating a "bloody revolution" and of allying themselves with the African National Congress and South African Communist Party.

In the Vaal Triangle context, the State alleges the United Democratic Front was actively involved in the murders of five township residents, including community councillors, and the destruction of homes and shops, a massive stayaway action in November, school boycotts and unrest, intimidating black community councillors to resign and of indoctrinating the youth and women.

● Judgment on whether the evidence of a former ANC member will be heard in camera is expected to be given today. It is not yet known if the Press and public will be admitted to the courtroom for the judgment. Yesterday they were barred from the trial when the State called three witnesses, all believed to be policemen, in support of an application for the first State witness's testimony to be behind closed doors to protect his life.

The 22 accused are: UDF publicity secretary Mr Patrick "Terror" Lekota (37), of Claremont, Durban; UDF general secretary Mr Popo Simon Molefe (33), of Soweto; Anglican priest and Azapo member, the Rev Tebogo Geoffrey Moselane (39), of Sharpeville; former UDF secretary for the Transvaal Mr Moses Chikane (37), of Mamelodi; Mr Patrick Mabuya Baleka (25), of Soweto; Azapo member Mr Oupa Hlomoka (32), of Sebokeng; Mr Mohapi Lazarus More (25), of Sebokeng; Vaal Information Service member and Rhodes Black Student Society member Mr Thabiso Andrew Ratsomo (27), of Sebokeng; Vaal Civic Association member Mr Geinunuzi Petrus Malindi (25), of Sebokeng; secretary of the Evaton Ratepayers Association Mr Petrus Mokoena (47), of Evaton; executive member of the Vaal Civic Association Mr Tsletsi David Mphuthi (48), of Sebokeng; Mr Naphtali Mbuti Mkopane (40), of Sebokeng; Mr Tebello Ephraim Ramakula (35), of Sebokeng; educator with the Urban Training Project Mr Bavumile Herbert Vilakazi (30), of Sebokeng; Vaal Civic Association executive member Mr Sekwati John Mokoena (33), of Boipatong, Vanderbijlpark; Congress of South African Students (Cosas) member Mr Mkhambi Amos Malindi (20), of Sebokeng; former Cosas leader and now Institute of Race Relations worker Mr Simon Tseko Nkodi (25), of Sebokeng; Mr Pelamotse Jerry Tlhophane (27), of Sebokeng; Mr Serame Jacob Hlanyane (37), of Sebokeng; Soweto Civic Association member and worker for the South African Council of Churches, Mr Thomas Madikwe Manthata (45), of Soweto; Vaal Civic Association executive member Mr Hlabeng Sam Matlole (61), of Sebokeng; and Mr Maxala Simon Vilakazi (24), of Sebokeng.

UDF trial hears ex-ANC witness

DELMAS. — A former member of the ANC told the Circuit Court here yesterday he had received money from the general secretary of the South African Council of Churches, Dr Beyers Naude, after being stranded in South Africa.

The witness, who may not be named, was giving evidence at the trial of 22 United Democratic Front members charged with treason.

Mr X told the court how the African National Congress had smuggled various pamphlets into South Africa for other organizations to distribute.

Speaking in Zulu through an interpreter, he said he had joined the ANC in June 1984 in Nairobi and then moved to Lesotho to work for the ANC's regional intelligence office.

"It was my duty to monitor Lesotho and I was also responsible for security and intelligence. The headquarters were in Maseru but most of the security members were stationed in Maseru," he said, adding that the ANC had offices all over Lesotho then.

'Set up safe houses'

Mr X said he infiltrated South Africa in February 1985 after he had undergone training in various parts of East Africa. His mission was to set up "safe houses" in East London where ANC infiltrators could live undetected.

He returned to South Africa in May 1985 to deliver ANC pamphlets in Germiston but he ran out of money before he could complete his mission.

"I was told that if I needed financial or other help in South Africa I could contact Cosas (the now banned Congress of South African Students) or any other organization affiliated to the Freedom Charter.

"I went to Khotso House (in Johannesburg, headquarters of the SACC) and spoke to a lady on the sixth floor. I was then referred to the SACC offices

on the third floor. I walked into Beyers Naude's office and told him I needed money to use in South Africa because I had to do certain work for the ANC.

"He told me to speak softly and then gave me R60 which I told him would be enough to enable me to get money elsewhere. He took the money out of an envelope in his jacket pocket," Mr X said.

Mr George Bizos, SC, objected to the evidence because Dr Naude had not been named as a conspirator in the charge sheet.

"Mr Jacobs (Mr Flip Jacobs for the State) has led evidence against individuals and bodies of high public profile without giving them an opportunity to defend themselves. This evidence was given to give publicity to bodies well known to the public."

Mr Justice K von Dijkhorst said it was regrettable that persons were "tarred with a tar brush". He would rule later on the admissibility of this evidence.

Mr X said: "I brought some pamphlets about school boycotts and rents into the country. They did not have any ANC markings on them. Some of them were written under the name of Cosas.

'Pamphlets for UDF'

"We also wrote pamphlets for the Youth Congress of the Queenstown and the Cape UDF in December 1984."

He claimed that in December 1984 members of the Cape UDF went to Lesotho to fetch ANC pamphlets about forced removals. Some of these UDF members also underwent ANC crash courses, he said.

The 22 accused face a main charge of treason and alternative charges of murder, furthering the aims of the ANC and terrorism.

All pleaded not guilty. — Sapa

Ex-ANC man testifies at Delmas treason trial

UDF members 'had arms crash course in Lesotho'

STAR 24/1/86

Staff Reporter

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DELMAS — Members of the Cape branch of the United Democratic Front underwent an African National Congress crash course in the use of arms and explosives in Lesotho in December 1984, it was testified at the Delmas treason trial yesterday.

This was alleged by a former member of the ANC who testified behind closed doors against the 22 Vaal Triangle treason trialists facing a charge of conspiring to overthrow the South African Government with violence. All have pleaded not guilty.

The man, who gave evidence in camera to protect his identity, told the court that four people, of whom at least two were UDF members, received the training in Lesotho.

The purpose of the courses, which were part of the ANC's 1985 strategy to step up its military activity inside South Africa, was to teach people how to use automatic rifles, limpet mines, hand-grenades and other weapons against "soft targets" he said.

The four had also brought back pamphlets on forced removals at a time when KTC and Crossroads squatters were being moved to Khayelitsha, he said.

The witness alleged that pamphlets written by the ANC on issues such as forced removals, rent in-

creases, school boycotts, homeland policies, community councils, job reservation and police harassment, were smuggled into South Africa from Lesotho and distributed under the banner of various internal organisations.

Organisations which the ANC had provided with these pamphlets included the Vaal Youth Congress, the Vaal Civic Association, the Youth Congress of Queenstown, the African Food and Canning Workers' Union, the UDF and Congress of South African Students, he said.

The witness alleged that the UDF was known by ANC cadres at camps outside South Africa as the "internal mission of the ANC".

The head of the Security Police in Vereeniging, Major Theunis Steyn, yesterday denied under cross-examination that one of the accused, Rev Tebogo Geoffrey Moselane, was called to his office for interrogation and threats. He said he was only seeking the minister's help in calling off a planned protest march on September 3 1984.

Mr Justice van Dijkhorst and two assessors are on the Bench.

The hearing continues.

(278) (278) (278) 331
Three to testify in camera

DELMAS. — The testimony of at least three State witnesses in the treason trial here will be heard behind closed doors.

This emerged yesterday in a ruling by Mr Justice K van Dijkhorst, who said the identity of former ANC members called to testify against 22 Vaal Triangle treason trialists could not be directly or indirectly disclosed.

He said evidence had

showed that threats on the lives of State witnesses were real.

The position of other witnesses in detention will be decided later.

All 22 men, mostly from the Vaal Triangle, have pleaded not guilty to a charge of high treason and several alternative charges arising out of the unrest which began in the Vaal in September 1984.

The hearing continues. — Sapa

transportation needs and not

Witness describes meeting on rents

Treason trial told of moves to 'get rid of' councillors

Staff Reporter

DELMAS — A Sebokeng interpreter told the Delmas treason trial yesterday that he had heard three of the accused address a rent meeting in August 1984 where there was talk of "getting rid of" community councillors and destroying their homes.

Mr Lesibane John Masenya of Zone 7, Sebokeng, said that a week later — on September 3 1984 — he had seen the corpse of a person he took to be community counsellor Mr Caesar Motjeane in Sebokeng.

SELL-OUTS

A placard on the body read: "Assassinate the sell-outs, asinamali, away with rents."

Twenty-two leading members of the UDF and the Vaal Civic Association (VCA) are in the Delmas dock charged with treason, terrorism, subversion and murder as well as furthering the aims of the ANC.

The charges arise from the unrest which erupted in the Vaal Triangle in September 1984. All the men have pleaded not guilty.

Mr Masenya told the court that on August 26 1984, he had attended a rent meeting at a Roman Catholic church in Evaton near Sebokeng.

He identified four of the accused, Mr Petrus Malindi, Mr Naphtali Nkopane, Mr Ephraim Ramakgula and Mr Sam Matlole, all of Sebokeng, as having been present.

Mr Nkopane, who had been chairman, had spoken out against high rents and blamed the community councillors for not informing the community.

He said they (the councillors) were

not trustworthy and that they were sell-outs. He added they would have to be gotten rid of, but did not say how."

Mr Masenya said Mr Matlole had told the crowd to visit the homes of community councillors on September 3 and then to proceed to the headquarters of the Sebokeng Development Board in Houtkop to ask about rent increases.

A woman who said she was from the VCA then told the meeting that councillors must be destroyed — "I understood her to mean that they must be killed," he said.

Mr Malindi told the crowd not to pay their rents and undertook to answer questions from the floor.

"I asked what would happen to those children whose parents did not pay and were arrested, and he said the VCA would make arrangements for them.

"There was some talk that those who paid rent would end up in trouble — they would be killed. I was told to sit down and was accused of being a councillor and told I would be killed."

FREEDOM SONGS

Mr Masenya said he then went outside, where he saw a woman heading for the hall followed by a group of people.

She was wearing a cap with the letters UDF and when her group got inside he heard the people singing freedom songs.

"I heard a conversation coming from the stage, they were saying that councillors' property must be burned."

The hearing continues.
Mr Justice G van Dyk is on the Bench and Mr P B Jacobs is presiding.

Swallows

Death sentence

Beyers is named in trial

25/11/86 SPAL

Indictment tells

of loan to 'terrorist'

By Kym Hamilton,
Pretoria Bureau

The general secretary of the South African Council of Churches (SACC), Dr Beyers Naude, was named yesterday in the Delmas treason trial as an alleged co-conspirator.

An application by the State for an amendment to the indictment to include Dr Naude's name was allowed. It came after an earlier ruling that evidence concerning Dr Naude was inadmissible.

Apart from adding his name to a long list of alleged co-conspirators, a second amendment was made to the further particulars which read:

"Assistance was given by the United Democratic Front and an organisation which actively supported the UDF, namely the SACC, during May 1985 by means of a UDF official, Mr Samson Ndou, who referred an ANC trained terrorist who sought help at the UDF headquarters at Khotso House in Johannesburg to Dr Beyers Naude, an official of the SACC, who gave the terrorist financial help. The help given was for the carrying out of ANC activities in the country."

Mr Justice van Dijkhorst ruled that the evidence given by a former ANC member that he received R60 from Dr Naude during last May was inadmissible on the indictment as it stood, before the amendments were granted.

The 22 men, mostly from the Vaal Triangle, have all pleaded not guilty to a charge of high treason and of conspiring with the ANC to overthrow the Government by violence.

They are also accused of murder, subversion and terrorism. Details of an ANC plan to lead the South African masses away from capitalism also emerged during the trial yesterday.

An ANC deserter, whose identity may not be revealed, told the court that the plan was known as the "M-plan" and covered five groups of people — the youth, students, workers, residents and women. These groups were represented on the national executive.

Early on in the struggle these groups would be involved in their own separate causes, such as boycotts by workers. However, during

the National Democratic Revolution (NDR) stage, the five groups would work together to overthrow the South African

Government.

Only after the machinery of the State had been broken by these people, working together, would the national reconstruction stage be entered. This represented the transition from capitalism to socialism.

For example, the State would take control of transport, defence and the media, he said.

This was where the present education system — which made people aspire towards capitalism — would be changed to make workers realise they were the actual leaders of the struggle.

The ANC would guide them politically until, step by step, the revolution of workers occurred and the communism stage was reached.

The Freedom Charter also formed part of the M-plan, and was used by the ANC as a guide to leaders for policy and decision-making.

The witness said that, although the ANC was banned in South Africa, it continued to live on internally in the vanguard movement.

Delmas treason trial told of ANC mission

(331)

DISPATCH

28/1/86

DELMAS — The trial of 22 members of the United Democratic Front on charges of treason continued in the Delmas circuit court yesterday with counsel for the defence cross-examining a state witness who was formerly a member of the African National Congress.

The witness, who may not be identified, last week testified that he had been given R60 by the general secretary of the South African Council of Churches, Dr Beyers Naude, to use in completing a mission for the ANC.

Under cross-examination by Mr George Bizos, SC, the witness said this mission was to establish a dead letter box near Crown station in Johannesburg. The dead letter box was to be used to store weapons.

Mr Bizos told the court that Dr Naude would deny having given money to an ANC member, and would say that, had he been approached

in this regard, he would have shown the man the door.

Questioned about the date on which the witness had seen Dr Naude, the witness replied that it was on a Monday in May last year, no earlier than the 11th of the month.

When Mr Bizos put it to him that Dr Naude had left for an overseas trip on May 10, the witness replied that he was not prepared to name a specific date, other than to say it was a Monday. The witness said that he had had about R30 on him at the time he approached Dr Naude for money.

When he was arrested on a pass offence near Queenstown in mid-August, he had R5 left, having spent the balance on fares en route to Lesotho, where he had been stationed by the ANC.

The witness said he had not needed money for meals and accommodation as these had been

provided by a "certain family" in the Queenstown district June until his arrest.

Mr Bizos asked the witness if he had any objection to naming the family. The witness replied that he had, because the family would accuse him of being a sell-out if they were approached by legal representatives.

Mr Justice von Dijkhorst ruled that the witness would have to answer the question, but ordered that the witness's identity and his part in the case should not be imparted to the people named.

Mr Bizos said such a ruling would prevent the defence from discharging its duties to its clients properly, but the judge refused to rescind his order.

He said, however, that the witness's evidence would be weighed mindful of any difficulties experienced by the defence in preparing cross-examination. — Sapa

CITY P

BY MONO RADELA

EVIDENCE to the Delmas Circuit Court this week that United Democratic Front publicity secretary Patrick Lekota committed acts of violence by throwing stones after a funeral in Kroonstad was ruled inadmissible by Judge Van Dijkhorst.

Mr Lekota and 21 others - most from the Vaal Triangle - earlier this week pleaded not guilty to a charge of high treason and alternative charges of terrorism, subversion and murder, arising from the unrest in September 1984 on the Vaal.

Security cop Sergeant Adolf Branders described to the court a series of violence in February last year in Kroonstad townships. He said he saw mourners off-load bottles which he thought were petrol bombs from a car boot.

The evidence against Mr Lekota was rejected because it was not contained in the actual indictment.

Sgt Branders said at one of the funerals he saw men wearing UDF T-shirts throwing stones at police vehicles.

Earlier the court ruled that at least three former African National Congress members would give evidence for the State behind closed doors. The ruling followed an application by the State for evidence of a former State witness to be heard in camera "as his life would be in danger if his identity was revealed."

Transvaal Deputy Attorney-General Flip Jacobs, who leads the State's case, will decide whether the Press will be allowed to be present when the former ANC members give evi-

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LEKOTA THREW STONES — GOP

dence.

The public and members of the accused's families were barred from the trial when the State called three witnesses in support of an application to have evidence by a former ANC member heard in camera.

The trial, which started on Monday at the Delmas Circuit Court, was plagued during the first three days by several adjournments, with the defence calling for further particulars of the indictment from the State.

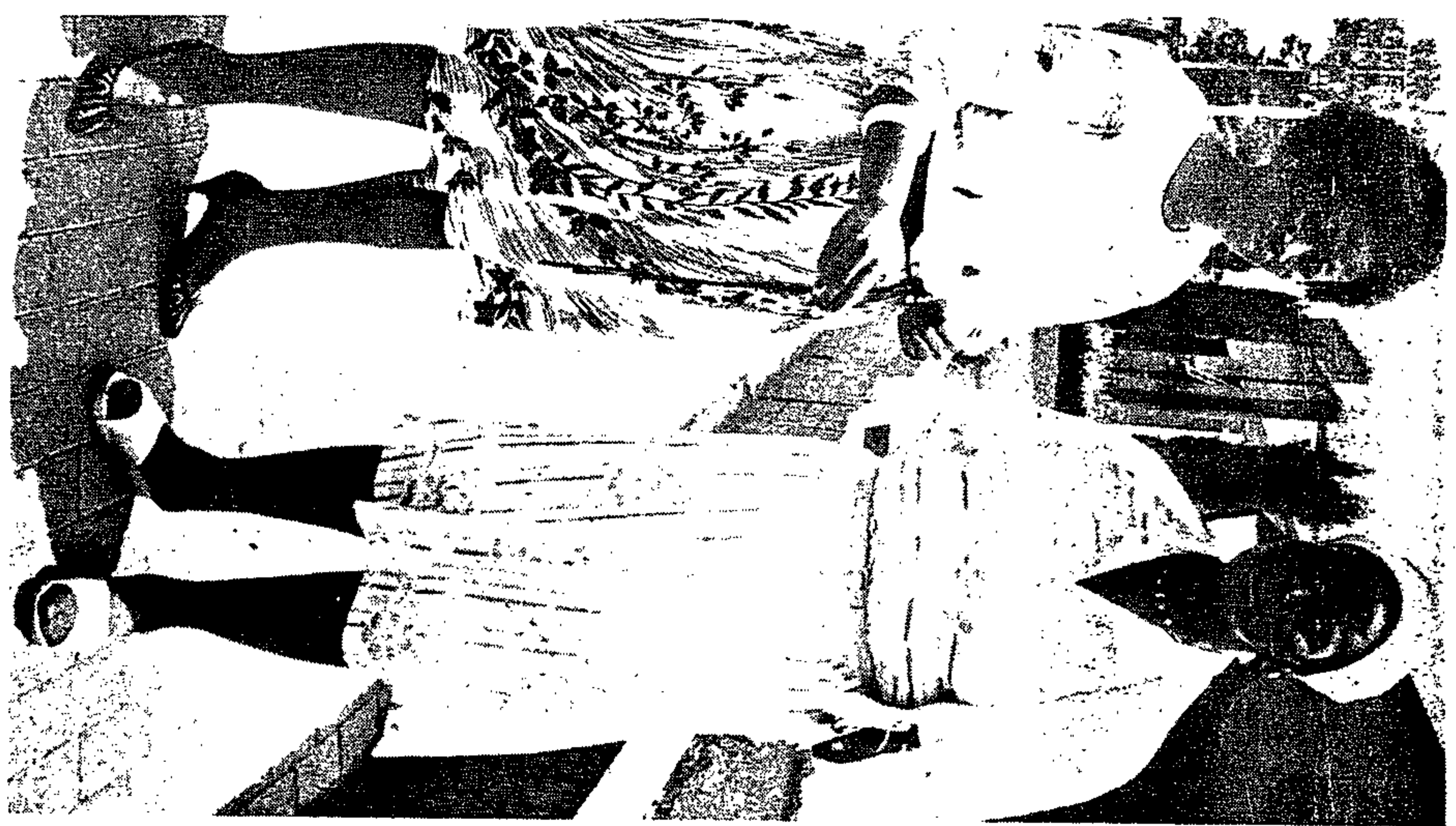
The accused - who include UDF general secretary Popo Molefe, UDF Transvaal secretary Moses

Chikane and Sharpeville Anglican priest and Azapo member Rev Tebogo Geofrey Moselane - looked very cheerful and were smartly dressed.

The defence team include senior counsels Arthur Chaskalson and George Bizos and Durban advocate Zak Yacoob.

The trial is expected to last for about a year, with the men having to defend a 300-page indictment. There may be more than 200 State witnesses.

Some of the accused have been in jail for over a year - some were detained in September 1984.



Martha Chikane, wife of UDF leader Moss Chikane, and Martha Mahlangu, mother of executed ANC guerilla Solomon Mahlangu, were present at the Delmas Circuit Court where 22 men accused of treason are standing trial.

800 on trial with 22 UDF treason accused

NOT ONLY are 22 top United Democratic Front (UDF) leaders on trial in the Delmas Circuit Court, but about 800 co-conspirators as well.

And it emerged yesterday that in addition to the list of co-conspirators attached to the indictment, there is also a list of "active supporters" of the UDF, among whom is Bishop Desmond Tutu.

The list of co-conspirators — officials of 54 organisations affili-

ated to the UDF — reads like a "Who's Who" of anti-apartheid political leaders. Prominent among them is UDF patron Dr Beyers Naude, general secretary of the SA Council of Churches.

These people could themselves face trial if the 22 accused are found guilty of treason.

Tutu was accused yesterday by a former ANC cadre of having met Joe Slovo, ANC commander of

special operations.

The witness, who may not be identified, said Tutu, his wife Leah and Slovo met in secret at Zambia's international airport in 1984.

George Bizos, defence counsel for the 22 UDF leaders, sounded a note of caution about this evidence because Tutu's name was not on the list of co-conspirators.

However, prosecutor Flip du Plooy said the evidence was relevant because Tutu's name was on the list of "active supporters".

LINDA ENSOR

AIRLINE

CAME Truif
30/1/86

331

Tutu met Joe Slovo, court told

Own Correspondent

DELMAS. — Bishop Desmond Tutu met Mr Joe Slovo, African National Congress commander of special operations, in Zambia in 1984, a Delmas Circuit Court heard yesterday.

A former Zambian-trained cadre of Umkhonto we Sizwe, the military wing of the ANC, made this allegation during the trial of 22 United Democratic Front members charged with high treason.

The witness, who may

not be identified, said Mr Slovo had met Bishop Tutu and his wife Leah at the Zambian International Airport.

Mr George Bizos, SC, who is defending the UDF members, sounded a note of caution about this evidence as Bishop Tutu's name was not included in the list of about 800 co-conspirators attached to the indictment.

The witness said his mission had been to train people, including UDF members, in the use of AK rifles, hand-

grenades and the planting of limpet mines so that they "could fight like us and forget about such things as stone-throwing".

He was arrested two days after his arrival in South Africa.

"The UDF is on the same line as the ANC. We were told that if we had any problems we must contact the UDF," he said.

The 22 accused all pleaded not guilty at the start of the trial which is expected to last over a year.

Defector 'loaded guns into car'

De Jonge brought ANC arms to SA — treason witness

STAR 30/1/86
Staff Reporter

DELMAS — An African National Congress defector yesterday told during the Delmas Treason Trial that he had packed firearms into a vehicle for an African National Congress operative, Mr Klaas de Jonge.

He appeared to be referring to the Dutch fugitive at present hiding in the old Netherlands Embassy in Pretoria.

The witness was the second former ANC member to be called by the State to testify on the nature of the United Democratic Front/ANC "conspiracy". His evidence is being given in camera.

Mr Justice van Dijkhorst told him in terms of the Criminal Procedure Act that if he answered all questions to the satisfaction of the court, he would be granted indemnity from prosecution.

The witness said he loaded Mr de Jonge's car with firearms in Lusaka in 1984. He described Mr de Jonge as an ANC member who worked inside South Africa. He said Mr de Jonge was responsible for bringing the firearms into the country.

He added that he had seen several South African trade union representa-

tives at a meeting in Lusaka with the South African Council of Trade Unions (Sactu) and the International Labour Organisation (ILO).

During cross-examination, however, the witness said he was not aware that South African trade unions were obliged to work through Sactu in their dealings with the ILO, but described Sactu as falling under the umbrella of the ANC.

He said he did not know Sactu had never been banned, but said ANC members were officials of Sactu.

The witness further told the court the ANC regularly told its recruits that the revolution in South Africa was just around the corner. He described this as "our daily bread" and related an incident in a camp in Angola when trouble broke out among recruits over this.

The witness also told the court that the UDF worked hand-in-hand with the ANC and if ANC operatives inside South Africa needed help they could turn to the UDF, but that they should approach the organisation through the general membership and not go directly to the top structures.

The trial continues today, still behind closed doors.

ANC defector's evidence on Naude challenged

By Kym Hamilton
Pretoria Bureau

Evidence in the Delmas treason trial took a new twist yesterday when it emerged that Dr Beyers Naude could have been overseas at the time he was alleged to have helped a "trained African National Congress terrorist".

An ANC defector, who gave evidence in camera, was in the witness stand for the third time yesterday in the trial in which 22 men face charges of high treason, murder, terrorism and subversion. All have pleaded not guilty.

According to evidence lead earlier, Dr Naude, general secretary of the South African Council of Churches, and a United

Democratic Front (UDF) official, Mr Samson Ndou, gave the witness money and helped him, knowing he was from the ANC and that they were assisting his mission.

During cross examination by Mr G Bizos, SC, the witness said he had gone to Khotso House in Johannesburg in May last year as he, like ANC cadres in any of the camps, knew they could turn to the UDF.

It emerged that the witness must have seen Dr Naude at Khotso House on Monday May 13.

When Mr Bizos put it to him that Dr Naude was out of the country at the time, having left on May 10, the witness replied he was not prepared to bind himself to specific dates.

Mr Bizos added that Dr Naude would tell the court that he recalled no such incident as the one described by the witness and that if someone had come to his office saying he wanted money and he was from the ANC, Dr Naude would have immediately shown him the door.

The witness also told the court he had never met Mr Ndou before going to the UDF offices for help. He said he needed the money for transport to complete his mission, to plan a dead-letter box in which to hide arms.

He told the court he had entered into an agreement with unnamed police and state representatives which granted him indemnity. The trial continues today.

Court told of grievances

DELMAS — A state witness in the trial of 22 people on charges of treason and murder told the Delmas circuit court about the grievances of blacks in the Vaal Triangle in 1983 and 1984.

The witness, a member of the Azanian Peoples Organisation (Azapo) and the Vaal Civic Association (VCA), was being cross-examined by Mr George Bizos, SC, for the defence.

The witness, who may not be named, said his colleagues were suspicious of community councils which were generally regarded as instruments of white rule that failed to represent the community on issues such as rents.

People in the Vaal townships felt they were paying more rent than other township residents, even prior to a R5,90 rent increase on September 1 1983. This increase led to the violence on September 3 when a community councillor was murdered in Sebokeng.

He said residents suspected the councils were corrupt.

The witness said he had heard of trading sites in townships being secured by bribery, and of houses being allocated in the same way.

He said tenants who failed to pay their rent on time were locked out of their houses. — Sapa

8/2/86
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DISPATCH

(331)
**Charges against three
UWC students dropped**

Tygerberg Bureau *Advis 3/2/86*

THREE students arrested in October during a demonstration on the campus of the University of the Western Cape will not be prosecuted.

Charges against Mr Derick Petersen, Mr Martinus Saundersen and Mr Ivan Smith, who were to have appeared in Bellville Magistrate's Court on Wednesday, have been withdrawn.

A letter from the Attorney-General's office to the men's attorney said the Attorney-General had declined to prosecute.

"This must not be regarded as a precedent and should your clients be charged with a similar offence in the future this case may well be re-opened," the letter said.

No demo as trial resumes

33
4/2/88

THE treason trial in which four United Democratic Front affiliates are accused, resumed in the College Road Supreme Court in Maritzburg yesterday.

Their 12 co-accused were acquitted on December 9. Three of the former co-accused, Dr Essop Jassat, Mr M J Naidoo and Mr Aubrey Mokoena, were among the crowd of about 20 spectators.

There were no demonstrations.

The leaders of the State and defence teams, Mr Mick Gey van Pittius SC and Mr Ismail Mahomed SC, are no longer appearing in the case.

Mr Andre Oberholzer and Mr Christo Meiring who assisted Mr Gey van Pittius are prosecuting and Mr C Mailer and Mr M T K Moerane are appearing for the accused.

The accused, described as members of the South African Allied Workers' Union, are: Mr Richard Gqweta (33) of Mdantsane, Ciskei, national president of Saawu, Mr Sisa James Njikelana (29) also of Mdantsane, former vice-president and now the general-secretary of Saawu, Mr Sam Kikine, a former vice-president and presently general secretary of

Saawu Durban branch, and Mr Duze Isaac Ngcobo, the treasurer of Saawu.

The trial is being heard by the Judge President of Natal, Mr Justice Milne, and assessors, Mr Ishwarbhai Amin and Mr Wellington Mtshali.

Mr Oberholzer said the State would not rely on the evidence given by Mr I D de Vries, described by Mr Oberholzer as the State's main witness.

Role

Mr de Vries, a lecturer at the Rand Afrikaans University, gave evidence for about three weeks shortly before 12 of the accused were acquitted on December 9.

Mr Oberholzer said that the State intended to call another expert witness, Brigadier H Stadtler. He said the State also intended to

call several factory owners, managers and personnel from East London and Durban.

He said that they would give evidence on the role of Saawu in strikes and boycotts. He said that the State would show that Saawu was the cause of strikes that were in support of the revolutionary alliance.

He said that one of the accused had also consulted with the South African Congress of Trade Unions — ANC Alliance.

Mr Oberholzer also said that the State would seek to establish the guilt of the present accused through their association with their fellow accused who were acquitted.

4/2/86

'State would prove plot'³³¹

Own Correspondent

MARITZBURG. — The State would still attempt to prove a conspiracy between the 12 United Democratic Front leaders who were acquitted of treason last year and the four who were still on trial.

Mr Andre Oberholzer, for the State, told the Supreme Court here yesterday the State would not place any reliance on the evidence of Mr Isaac de Vries, a political scientist from RAU who testified on the activities of the ANC in South Africa.

Mr Oberholzer said this when the treason trial of four trade union leaders resumed, after charges had been withdrawn in December against 12 other accused.

Mr Oberholzer told Mr Justice Milne and two assessors that the State "still relies on a conspiracy between the accused and the 12 former co-accused who were acquitted because the main witness did not come up to scratch".

The accused, Mr Richard Gqweta, 33, Mr Sisa Njikelana, 29, Mr Sam Kikine, 36, and Mr Duze Ngcobo, 36, who were all leaders of the South African Allied Workers Union, were originally part of a group of 16 charged with treason, with alternative charges of furthering the aims of an unlawful organization and terrorism.

Guilt

Mr Clifford Mailer, for the defence, said it was "extraordinary" that the State wanted to prove the guilt of his clients based on the actions of former accused which the State themselves had chosen not to prosecute.

The State said it intended to prove that the four accused had conspired to violently overthrow the government in taking part in political meetings.

"The State also intends to call factory owners and employers of the Durban and East London areas to show that SAAWU was the cause of strikes, boycotts and unrest in furthering the aims of the Revolutionary Alliance," Mr Oberholzer said.

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Treason trial told of wave of strikes

A WITNESS told the resumed treason trial of four United Democratic Front (UDF) affiliates in Maritzburg that a wave of strikes followed the release on bail of one of the accused.

The men's 12 co-accused were acquitted on December 9.

The accused, described as members of the South African Allied

Workers Union (SAAWU) are: Richard Gqweta, 33, of Mdantsane, Ciskei; Sisa James Njikelana, 29, also of Mdantsane; Sam Kikine, of the SAAWU Durban branch; and Duze Isaac Ngcobo, treasurer of SAAWU.

Major P Olivier, former head of the Labour and Trade Union section of the Security Police in the

Border area, said that in a strike at NCI in East London in July 1980, new work-seekers were intimidated by the strikers.

After Gqweta's release, 18 strikes occurred in 1980 and 35 between February and November in 1981.

The trial continues. — Sapa.

Treason trial told of Border strikes

DISPATCH (331) 4/2/85

PIETERMARITZBURG — The treason trial in which four United Democratic Front affiliates are accused resumed in the College Road Supreme Court yesterday.

Their twelve co-accused were acquitted on December 9.

The accused, described as members of the South African Allied Workers Union are: Mr Richard Gqweta (33) of Mdantsane, Ciskei, national president of SAAWU; Mr Sisa James Mjikelana (29) also of Mdantsane, former vice-president and now the general secretary of SAAWU; Mr Sam Kikine, a former vice-president and presently general secretary of SAAWU Durban branch, and Mr Duze Isaac Ngcobo, the treasurer of SAAWU.

Mr Andre Oberholzer, prosecuting, said the state would not rely on the evidence given by Mr I. D. de Vries, described by Mr Oberholzer as the state's main witness.

Mr Oberholzer said that the state intended to call another expert witness, Brigadier H. Stadler. He said the state also intended to call several factory owners, managers and personnel from East London and Durban.

He said they would give evidence on the role

of SAAWU in strikes and boycotts. He said the State would show that SAAWU was the cause of strikes that were in support of the Revolutionary Alliance. He said that one of the accused had also consulted with the South African Congress of Trade Unions - ANC alliance. Mr Oberholzer also said that the state would seek to establish the guilt of the present accused through their association with their fellow accused who were acquitted.

State witness Major P Olivier, former head of the Labour and Trade Union section of the Security Police in the Border area, told the court that a wave of strikes followed the release on bail of Mr Gqweta by the Ciskeian police.

Maj Olivier said that from 1974 to the end of 1979 there had been two to four strikes a year in the area.

After Mr Gqweta's release, 18 strikes occurred in 1980 and 35 between February and November in 1981.

He said that in a strike at NCI in July 1980, new work seekers were intimidated by the strikers. The new work seekers were chased away and afterwards some cases of assault were reported to the police.

Maj Olivier said that he was aware of the feud between SAAWU and Wilson Rowntree management.

He said that there was large scale intimidation of workers at Wilson Rowntree in February 1981. The police had to provide escorts for 10 days for Wilson Rowntree workers' buses. Eight charges alleging arson and public violence were laid at Mdantsane police station, and one charge was made at East London police station.

He said that one of the intimidators was charged in a regional court and convicted.

Mr Oberholzer said that a document referring to Wilson Rowntree products was found in Maseru during the SADF raid several years ago.

Maj Olivier said that he was aware of the campaign against Wilson Rowntree products. Mr Olivier said that about one million Ciskeians live at Mdantsane.

He said he was aware of the arrest of accused Mr Gqweta and Mr Mjikelana by the Ciskeian police and he was aware that they were detained for a considerable period.

The case continues today.

Azapo member granted bail in sedition hearing

Sedition accused Mr Nicodemus Tlhoriso Phake (29) was yesterday granted bail of R750 by a Johannesburg magistrate after lengthy legal argument during which the defence counsel criticised the formulation of the charges.

"The allegations which the State relies on to bring a conviction of sedition or treason border on the absurd and should be reason for concern among police and prosecutors," said Mr S Joseph, for the defence.

He was applying for bail for Azanian People's Organisation (Azapo) member Mr Phake, as well as for Azanian Students' Movement (Azasm) members Mr Vusi Ben Nko (22), Mr Kenneth Moshe Mampondo (21), Mr Stanley Sekgotyane (21), Mr Ruben Moliki (22), Mr Reginald Maphumulo (24), Mr Gogo David Sosibo (19) and Mr Stephen Menoe (20).

Mr Joseph later withdrew the bail application for the Azasm members, who have all been detained since last July or August.

The accused were not asked to plead to sedition, alternatively treason, public violence, inciting public violence or fomenting feelings of hostility between population groups. Mr Maphumulo, Mr Sosibo and Mr Menoe face an additional charge of public violence.

ARSON

The State alleges the men committed sedition by attending or convening a meeting on behalf of Azapo or Azasm at the Anglican Church in Mohlakeng, Randfontein, on June 16 1984, where they allegedly incited people to commit violence, set buildings alight, "rise and fight" for freedom and not pay rent.

Mr Joseph submitted the Attorney-General had declined to issue a Section 30 certificate, removing the court's discretion to grant bail, because "he did not regard it to be sedition or treason".

The men should have been charged under the Riotous Assemblies Act or with arson, he submitted.

State advocate Mr J Spangenberg opposed bail, saying Mr Phake would interfere with witnesses, most of whom were Azasm members.

Mr Phake replied that he rejected violence. He gave the undertaking not to interfere with witnesses.

The hearing continues today.

CAPE TIMES 5/2/86

Letter to police chief: 18 in court

Court Reporter

EIGHTEEN people who were arrested at Caledon Square when they tried to deliver a letter to the Commissioner of the SAP demanding access to detained relatives, yesterday appeared in Cape Town Regional Court.

They all pleaded not guilty to a charge of contravening the Gatherings and Demonstrations Act of 1973, by demonstrating in a defined area.

They were arrested on September 18 last year, while waiting for a delegation of three who delivered a letter to the commissioner.

In the letter, 49 relatives of Section 29 detainees — including Dr Allan Boesak and prominent civil-rights advocate Mr Dullah Omar — said: "We demand the release of our loved ones. In the light of figures published by UCT, we know we cannot safely leave our family in your hands. We will be convinced of their safety only if we see them now."

Major J P Grundlingh said he had seen about 40 people gathered out-

side Caledon Square on the day in question. He had then instructed five policemen to block off the entrance.

He allowed three people in to see the commissioner and had told the others to disperse since they constituted an illegal gathering.

"I gave them three minutes to disperse but they refused to budge," he told the court.

He then instructed his men to arrest them, but had previously warned them that there was to be no violence.

Mr Les Rose-Innes, for the 18, applied for his clients to be discharged on the basis that the State's evidence had not proved that the accused had participated in a demonstration as defined in the Act.

The hearing continues today.

The 18 are: Ms Bulela Tinto, 31, Ms Nabom Sonto, 28, Ms Fatima Omar, 22, Ms Sophie Makhetho, 53, Ms Marianne Adam, 28, Ms Paskelina Tyeku, 50, Ms Brenda Marks, 21, Ms Desiree le Roux, 22, Ms Margot Lynn, 28, Ms Peta Scop, 23, Ms Marjorie Pather, 59, Ms Vivienne Madekwa, 38, Mr Azaad Ally, 22, Ms Rachmat Omar, 34, Ms Lettie Malindi, 63, Ms Kay Jaffer, Ms Bridgette-Anne Pitt and Mrs May Lesiea, 25.

Mr R H Peckham was the magistrate. Mr S Schrock prosecuted. Mrs G Khan of E Moosa and Associates instructed Mr Rose-Innes.

State's evidence irrelevant - defence

MARITZBURG — The defence counsel for four South African Allied Workers Union (Saawu) leaders charged with treason alleged yesterday that the State was producing evidence irrelevant to the trial.

The court heard details of a "dramatic" increase in labour disputes at the East London-based Wilson-Rowntree sweet factory at about the same time the management started negotiations with Saawu in 1980.

A director of the factory, Mr Alistair Lightbody, was giving evidence in the treason trial of Mr Thozamile Gqweta (33), Mr Sisa Njikelana (29), Mr Sam Kikine and Mr Duze Ngcobo (36).

LATER

The Judge President of Natal, Mr Justice A J Milne, said the evidence did not appear to be relevant, but said the State could continue on the basis that the evidence may become relevant at a later stage.

The four trade unionists formerly stood trial with 12 United Democratic Front leaders who were acquitted in December last year.

The defence team also questioned the value of an earlier witness's evidence, who said it was part of his duties as a security policeman to have close links with factory management and to liaise with them to keep informed of any strikes.

STRIKES

The policeman, Major P Olivier gave evidence on a wave of 58 strikes at factories in the East London area from April 1980 to November 1981.

Mr Lightbody told the court that labour unrest at the factory increased soon after Saawu applied for official recognition as a representative union at the factory.

He said the factory's internal problems eventually resulted in "a highly professional and well-organised boycott" of Wilson-Rowntree in South Africa, England and Australia.

The hearing continues.
— Sana.

Delmas trial told of assault

By NKOPANE
MAKOBANE

A WITNESS in the Delmas treason trial admitted under cross-examination yesterday that he had been assaulted by Security Police at the time of his detention.

The witness, who may not be identified, told the court that his detention had been a nightmare and he had even thought of killing himself.

He also said when he told the court on Monday that his dentures fell because he had pushed them with his tongue, he was not telling the truth. They fell, he said, after being struck with a fist.

Mr X, on his sixth day in the witness box, was testifying in the trial of 22 people, most of them from the Vaal Triangle. They have all pleaded not guilty before Mr Justice K van Dijkhorst and two assessors in the Delmas Circuit Court.

They are charged with high treason, alternatively murder, subversion and terrorism. The charges arise from unrest which erupted in the Vaal townships during September 1984.

Proceedings are in camera.

Questioned by Mr George Bizos, SC, for the defence, Mr X said after he had signed a statement, he was told he would be called as a witness.

Proceeding.

12/2/85

331

SOWETAN

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Court told of violence

AN accused in the Delmas treason trial told a rent protest meeting that violence would not only be directed at councillors but also to residents who paid their rent, a court heard yesterday.

Mr Lesibane John Masenya, a court interpreter and a Sebokeng Zone 7 resident, said Mr Mzinumuzi Petros Mankindi (25) had said this when he supported Mr Hlabang Sam Matlole (61), also an accused, that rent should not be paid.

He was testifying in the trial of 22 members of the United Democratic Front, the Vaal Civic Association and the Azanian Peoples Organisation.

They have all pleaded not guilty before Mr Justice K van Dijkhorst and two assessors in the Delmas Circuit Court to a charge of high treason. They are alternatively accused of murder, subversion and terrorism.

Under cross-examination by Mr George Bizos, SC, Mr Masenya said the meeting on August 26, 1984, was orderly, except when he was shouted down by a woman.

Mr Masenya had earlier told the court that the woman had accused him of being a councillor and said that he would be killed.

This was after he had asked a question of what would happen to the children whose parents did not pay rent and were subsequently arrested.

He denied a statement by Mr Bizos that the woman had "blown the whistle" because he (Masenya) had refused to criticise the councillors and that she was concerned that he spoke with two tongues.

SOWETAN 4/2/85

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Cart Times 6/2/86 331

Cheers as Issel is given R1 000 bail

Court Reporter

A WYNBERG Regional Court echoed with cries of "Amandla Ngawetu" when thrice-banned community leader Mr Johnny Issel appeared in court late yesterday afternoon after spending more than seven weeks in detention.

No charges were put to Mr Issel and he was not asked to plead.

Mr Issel, 37, was arrested on December 16 last year after a massive police hunt and then held in solitary confinement under Section 29 of the Internal Security Act.

He was hugged by his tearful wife, Ms Zubeida Jaffer, as soon as he appeared in the dock with a clenched fist raised.

Mr Issel was granted



Mr Issel

bail of R1 000 on the following conditions: He must inform the Wynberg police or the Clerk of the Court where he goes if he leaves his home for more than 12 hours; he must also inform them if he changes his permanent address.

He also has to report to the Wynberg police station every Tuesday and Thursday between 8am and 6pm.

Mr E Moosa, for Mr Issel, said he accepted the bail conditions as there was no time to apply for an amendment but "reserved the right to apply for an amendment at a future appearance".

Mr J L Smit, the prosecutor, said "if that is the attitude of the defence then the State reserves the right to oppose bail in full".

The magistrate, Mr C P J Prinsloo, said the State had the right to oppose bail at a future hearing, and the defence had the right to apply for amendments.

The hearing was adjourned to March 18.

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Raditsela's widow gets court backing

Supreme Court Reporter

IN A precedent-setting judgment in the Rand Supreme Court yesterday, Mr Justice G Gordon ruled no leading questions could be put to witnesses in inquests, particularly if there were a community of interest between them and the cross-examiner.

He overturned the ruling made by the magistrate presiding at the inquest of trade unionist Andries Raditsela which permitted leading questions to be put by counsel for Law and Order Minister Louis Le Grange to police witnesses.

Raditsela's widow successfully brought the urgent application against the magistrate, the senior public prosecutor and Le Grange for the ruling to be set aside.

She was awarded costs.

Judge Gordon declared there was a community of interest in substance between individual policemen and the Minister of Law and Order, as he would be concerned if the death of Raditsela had been the result of an act of commission or omission by a member of his own department.

18 cleared of demo charge over letter

Staff Reporter

EIGHTEEN people who were arrested at Caledon Square when they tried to deliver a letter to the Divisional Commissioner of Police on September 18 last year, were acquitted in the Regional Court on Wednesday.

They had all pleaded not guilty to a charge of contravening the Gatherings and Demonstra-

tions Act of 1973, by demonstrating in a defined area.

The letter demanded access to relatives detained under Section 29 of the Internal Security Act, and was delivered by three women who formed part of the group.

Mr Les Rose-Innes, for the 18, made an application at the end of the State's case for his clients to be discharged because the State had not proved its case.

He also said if there had been a demonstration it had not taken place within the defined area but on the boundary.

The magistrate, Mr R H Peckham, said the boundaries did not form part of the defined area.

The 18 were: Bulela Tinto, 31, Nabom Sonto, 28, Fatima Omar, 22, Sophie Makhetho, 53, Marianne Adam, 28, Paskelina Tyeku, 50, Brenda Marks, 21, Desiree le Roux, 22, Margot Lynn, 28, Peta Scop, 23, Marjorie Pather, 59, Vivienne Madekwa, 38, Azaad Ally, 22, Rachmat Omar, 34, Lettie Malindi, 63, Kay Jaffer, Bridgette Anne Pitt and May Lesiea, 25.

Mr S Schrock appeared for the State. Mrs G Khan of E Moosa and Associates instructed Mr Rose-Innes.

CAT 7/15 8/2/86 *(BRS)*
4 in court over 'necklace' *(33)*

PAARL. — An 18-year-old man, Mr Zakhle Yam of Mbekweni in Paarl, and three youths, one aged 14 and two 15, appeared in the Magistrate's Court here yesterday on a charge of attempted murder.

Their appearance was a sequel to an alleged attempted "necklace" murder on January 28 at Mbekweni. A tyre was tied around a man's neck, filled with petrol and set alight. A police patrol spotted the smoke and rushed to the man's aid. The man's name has not been released but according to a police spokesman he suffered 80 percent burns and is still in a critical condition in Tygerberg Hospital.

The charge could be changed to murder should the man die.

The hearing was adjourned to February 19. — Sapa

Feb. 1986

Accused was on ANC files, treason trial told

MARITZBURG — A file concerning treason trial accused Mr Sisa Njikelana had been among African National Congress records in Lesotho, a witness, whose identity cannot be revealed, said in the Pietermaritzburg Supreme Court yesterday.

The witness also said a passport containing the photograph of another accused, Mr Thozamile Gqweta, had been made out in the name of Mr Richard Miti.

The witness was giving evidence in the trial of Mr Njikelane (29), Mr Gqweta (33), Mr Sam Kikine (36) and Mr Duze Ngcobo (36), all office-bearers of the South African Allied Workers' Union.

The witness had seen the passport in Lesotho at the "place" of a person named Kingdom Short, who was the treasurer of the South African Congress of Trade Unions in Lesotho.

The witness had also seen Mr Gqweta, who was the national president of the South African Allied Workers Union, in another place in South Africa.

The witness, giving evidence in camera, described having worked as a member of the African National Congress in Lesotho when Mr Njikelana's file was seen. The witness had worked on some of the files.

The witness had worked in Umkhonte we Sizwe, the military wing of the ANC. The witness said there were commandos of the Free State, Eastern Cape, Border and Natal known as the Lesotho Military Machinery.

The witness said the South African Communist Party and South African Congress of Trade Unions were also working in Lesotho.

The witness described having gone for training in several African states. Mr Justice A J Milne ruled some of these states should not be revealed as they could help to identify the witness.

Earlier, the prosecutor, Mr Andre Oberholzer, said there were substantial reasons for not revealing the witness's identity because the witness's life or witness's family's lives could be endangered.

The witness said that after two associates who had African National Congress connections had been killed in a car bomb explosion in Swaziland, the witness went to Lesotho.

During a spell of training the witness had undergone military training including reconnaissance, topography and the use of arms.

The case continues. — Sapa.

Treason trial expected to last over a year

Day after day families of 22 wait outside . . .

STAR 331 10/2/86

By Kym Hamilton

DELMAS — Each day a small cluster of women, men and children carrying an assortment of clothes and food gather outside the local courts of a small out-of-the-way Eastern Transvaal town which has shot to some prominence in recent weeks.

Inside the building, a group of security policemen, members of the riot squad, and legal men have converged to do battle with thousands of pages of exhibits and evidence — and to come to grips with one of the largest treason trials since the 1950s.

The place is Delmas, and the town and its farming community continue with their day-to-day business virtually unaware of any unusual activity.

The roads around the courthouse are blocked off from the public and all but one entrance are locked as young men, dressed in the blue of the riot squad unit, keep watch over who enters and leaves the building.

The trial of 22 men, mostly from the Vaal Triangle and leading United Democratic Front officials, finally got under way on Monday January 20 when they all pleaded not guilty to a charge of high treason and to alternative charges of murder, subversion and terrorism.

FORMATION OF UDF

Each day they are bused in from the Modderbee prison in Benoni as the State attempts to prove that they, with the banned African National Congress, masterminded a conspiracy to make South African ungovernable and overthrow its Government through violence.

The indictment and further particulars run to well

over 700 pages and read like a who's who list of anti-apartheid activists — from internationally known leaders to the local men of the townships.

Their crime is alleged to have started with the formation of the UDF in August 1983, and continues virtually until the present. The trial is expected to last more than a year.

As the day gets under way, the accused, dressed neatly in pressed suits, or slacks and jackets, sit grim and unsmiling in the dock as they listen intently to the parade of witnesses, two of whom have described the UDF as the internal wing of the ANC.

Most of the trial so far has been behind closed doors, to protect the names and identities of witnesses who fear for their lives.

Each day the small knot of women, men and children gather in the passages of the courthouse to wait until 1.45 pm when they are allowed a few moments with their loved ones in the dock.

Washed and ironed clothing and food parcels are passed across the wooden wall separating the dock from the public gallery.

Toddlers and children are held and hugged by their fathers, some of whom have been in jail for almost 18 months.

And as the court prepares to resume for the afternoon session, the families are ushered out to return to their homes as far afield as Sebokeng, Sharpeville, Mamelodi, Soweto, Evaton and Boipatong.

In the town itself, houses have been rented for the State's team, all from the Transvaal Attorney-General's office in Pretoria, and members of the security police investigating team.

Other court officials travel each day from Johannesburg or Pretoria.

ARGO 11(2/86/331

Charge against Mrs Shahieda Issel withdrawn

Staff Reporter

A CHARGE against Mrs Shahieda Issel of possessing banned literature was withdrawn in the Cape Town Magistrate's Court today.

Mrs Issel was to have been charged under Section 56 of the Internal Security Act with being in possession of literature published by the banned South African Communist Party and/or the African National Congress.

Treason trial: EL director testifies

Dispatch Correspondent

PIETERMARITZBURG — The treason trial of four South African Allied Workers Union leaders heard yesterday how an East London personnel director acknowledged the instrumental role one of the accused, Mr Thozamile Gqweta, "had played in getting workers peacefully back to work".

Mr Wayne Munro, the personnel director of Johnson and Johnson, said in a statement it was "only once Mr Gqweta returned to East London, at the request of the management, and became personally involved did negotiation (during a strike) take place.

"Mr Gqweta must be given most of the credit for getting the workers to return to work peacefully," Mr Munro said.

The court was also presented, for the first time in the months-old trial, with allegations of a direct link between the accused and the ANC-led revolutionary alliance.

In an amendment to the indictment the state accused Mr Gqweta, 33, of having discussions with members of the ANC and SA Congress of Trade Unions members in furtherance of the aims of the alli-

ance in Lesotho in 1984/85.

Another accused Mr Sisa Njikelana, 29, was accused of corresponding and visiting the alliance in Lesotho on four occasions between 1984 and 1985.

Mr Clifford Mailer, for the defence, read out Mr Munro's statement during the cross-examination of a state witness, Major Phillipus Olivier, the then head of the Border Region of the Security Police's labour and trade union section.

Major Olivier said with the emergence of Saawu in East London in the early 1980s he was concerned that it would paralyse local factories with "unreasonable demands" and disrupt the economy.

He illustrated his claim by citing an example in 1981 when Saawu called the Johnson and Johnson workforce out on strike following a worker's dismissal for allegedly stealing two toilet rolls.

Mr Mailer said the worker was eventually reinstated and proceeded to read out part of Mr Munro's statement which said:

"In hindsight it is very clear the strike was caused by an unfair dismissal and was prolonged by the inexperience and

poor handling of the situation by both management and the union.

"It is my sincere belief that the strike was precipitated by a claim of unfair labour practice and not any overt political issue.

"In the early part of the negotiation, Mr T. Gqweta was not involved. At management's request he was recalled from Durban so that he personally could take a leadership role in resolving the issue."

Asked what he thought of Mr Munro's statement, Major Olivier said he thought it was "very interesting".

The amendment to the indictment also accused the four trade unionists, which included Mr Sam Kikine, 36, and Mr Dube Ngcobo, of furthering the aims of the alliance by adopting the following tactics:

"Forming a workers' committee under the auspices of Saawu, the refusal to apply for official registration and seeking confrontation with management.

"These acts culminated in unrest, work stoppages, strikes, boycotts which resulted in production loss to industries."

The trial continues today.

'VCA told to join UDF'

DR Nthato Motlana told the Vaal Civic Association that it should affiliate to the United Democratic Front, the Delmas treason trial heard yesterday.

A State witness, who may not be identified, said Dr Motlana had indicated the UDF's objectives to unite people were similar to the objectives of the Vaal Civic Association.

According to Mr X, Dr Motlana said this on October 9, 1983, at a meeting held in the Catholic Church in Zone 12, Sebokeng.

Mr X, his sixth day in the witness box, was testifying in the trial of 22 people, most of them from the Vaal Triangle.

They have all pleaded not guilty before Mr Justice K. van Dijkhorst in the Delmas Circuit Court. They are charged with high treason, alternatively murder, subversion and terrorism.

The charges arise from unrest which erupted in the Vaal townships during September 1984. Proceedings are in camera.

Kill

During cross-examination, Mr George Bizos, SC, put it to Mr X that the question of affiliation was not put to the meeting.

A resolution adopted was that the VCA should co-operate with other organisations with similar objectives.

Mr Bizos also said Mr Curtis Nkondo of the Release Mandela campaign would deny evidence by Mr X that he told the same meeting that whites must be killed.

In earlier evidence, Mr X said Mr Nkondo, besides talking about education, had also told the gathering that it must not be like other organisations that reject whites.

Mr Nkondo, Mr X said, had said they must accept whites and use them to kill their own people.

Proceeding.

Security police 'conspired to crush union'

MARITZBURG — The security police in East London were involved in a conspiracy with factory management in the area to crush the South African Allied Workers Union, defence counsel for four men accused of treason alleged yesterday.

A security policeman, Major Philippus Olivier, denied the allegations made by defence advocate Mr Clifford Mailer in the trial of the four union members in the Pietermaritzburg Supreme Court.

However, he told the court under cross-examination, he did try gentle persuasion to get management not to give the union recognition.

He was giving evidence in the trial of Mr Thozamile Gqweta, Mr Sisa Njikelana, Mr Samuel Kikine and Mr Isaac Ngcobo, all charged with treason.

He also denied an allegation that the management of factories in the East London area were "subjected to considerable pressure by the security police to have nothing to do with the union".

Mr Mailer said the intention of his cross-examination was to show the bias of the police against Mr

Gqweta and the union, and that their conduct did not justify the sinister inferences drawn by the State.

He said there were good, autonomous reasons within the Republic of South Africa for the union to act on behalf of the workers and they did not act in conspiracy with any banned organisation, as the State alleged in the indictment.

Major Olivier said he visited management at most of the factories and advised them not to have any dealings with the union. He did not want it to form a power block that would result in all managements having to submit to unreasonable demands.

Mr Mailer put it to Major Olivier that Mr Gqweta had never said at any stage that he would sabotage the economy, nor did the union say at any meetings that its intention was to jeopardise the economy.

According to Major Olivier, it was unreasonable for the union to demand recognition because his information was that it was a front for the self-exiled South African Congress of Trade Unions. The trial continues. — Sapa.

Strikes: treason trialist suspected

12/2/82
DISPATCH

Dispatch Correspondent

PIETERMARITZBURG
— Treason trialist Mr Thozinale Gqweta's position as president of the South African Allied Workers' Union, had led the Security Police to believe he had been involved in the East London strikes of 1980/81, the Supreme Court here heard yesterday.

Major Phillipus Olivier, the then head of the labour and trade union section of the Security Police for the Border Area, told the court another factor linking Mr Gqweta to the unprecedented wave of strikes, was his presence at some meetings where the economic sabotage of the country was mentioned.

Major Olivier, a state witness, was giving evidence under cross-examination at the trial of four Saawu leaders who include Mr Sisa Njikaleni, 29; Mr Sam Kikine, 36, and Mr Duze Ngcobo, 36.

An amendment to the indictment this week accused the trade unionists of forming Saawu work committees in factories, refusing to officially register the union and seeking confrontation with management.

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331 1845 DAY 12/2/88

Treason trialist held eight times

TREASON trial accused Thozamile Gqweta, 33, president of the SA Allied Workers' Union, had been detained without trial eight times in Ciskei and South Africa, his counsel, C R Mailer, said in the Maritzburg Supreme Court yesterday.

Mailer said the SA and Ciskeian police had harassed Gqweta and Saawu.

He said he was leading this evidence to show the bias of the police against Gqweta and Saawu. Mailer said that Gqweta's conduct did not justify the sinister inferences drawn against him by the State.

Mailer, who is appearing for two of the accused, was speaking at the trial of Gqweta, Sisa Njikelana, Samuel Kikine and Isaac Ngcobo.

While in detention in Johannesburg, for about six months, Gqweta was admitted to a psychiatric ward and treated.

He had suffered a devastating tragedy. His mother and uncle died in "a rather strange fire" at the house in which they were living, Mailer said.

His mother's funeral was attended by many people and the Ciskeian police fired at the crowd returning from the funeral, and his girlfriend was killed.

Mailer said that Gqweta was arrested on April 17, 1980, and held for about a month in Ciskei. He was never presented with a charge sheet but he made many court appearances over a period of seven months.

Mailer outlined Gqweta's subsequent arrests to the court.
Proceeding. — Sapa.

Unionist's position 'linked him to strikes'

Pietermaritzburg
Bureau

TREASON trialist Thozinale Gqweta's position as president of the South African Allied Workers' Union, had led the security police to believe he had been involved in the East London strikes of 1980/81, the Supreme Court here heard yesterday.

Maj Phillipus Olivier, the then head of the labour and trade union section of the security police for the Border area, told the Court another factor linking Mr Gqweta to the unprecedented wave of strikes was his presence at some meetings where the 'economic sabotage of the country' was mentioned.

Maj Olivier, a State witness, was giving evidence under cross-examination at the trial of four Saawu leaders who include Sisa Njikaleni, 29, Sam Kikine, 36, and Duze Ngcobo, 36.

All are charged with committing treason from 1980 to 1985.

An amendment to the indictment this week accused the trade unionists of forming Saawu work committees in factories, refusing to officially register the union and seeking confrontation with management.

'These acts culminated in unrest, work stoppages, strikes and boycotts,' read the amendment.

Maj Olivier said he had used 'gentle persuasive-ness' with all the major companies in East London not to give official recognition to Saawu.

'I informed the factory managers that Saawu is the external wing of the S A Congress of Trade Unions which is the industrial wing of the ANC.'

Unaware

'I believed the recognition of Saawu would be a threat to the national interest as Saawu could form a power bloc when they were recognised by the major firms and make any demands and call a strike if the demands were not met,' Maj Olivier said.

Earlier this week a statement from Mr Wayne Munro, personnel manager of Johnson and Johnson near East London, was read out to the Court where he said 'Mr Gqweta must be given most of the credit for getting the workers peacefully back to work (after a strike at the factory in 1981)'.

Maj Olivier said he had been unaware of Mr Gqweta's role in the strike in spite of reports in the Press the following day.

The trial continues today.

February 13 1986

3

Azapo leader expected in court today

33

The Star's Africa
News Service

WINDHOEK — The president of the Azanian People's Organisation (Azapo), Mr Saths Cooper, is due to appear in court in Windhoek today after being arrested by Security Police yesterday.

Mr Cooper was detained only minutes before he was due to address a meeting of the Namibia Educational Forum (NEF) about Black Consciousness and its lessons for Namibia.

Ms Nora Chase, one of the organisers, told a packed hall Mr Cooper had been arrested by three carloads of policemen under an early 1970s ordinance which prevents Asians and coloureds from South Africa coming to Namibia without a permit. He had been in the country for some days.

Lawyers made unsuccessful efforts at the police station to get bail for the Azapo leader. NEF organisers said there was some confusion about whether the law under which Mr Cooper had been arrested was still valid.

Organisers said the meeting was legal as it had been advertised for some time and permission had been obtained from the local magistrate.

CME Times 13/2/86

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Minister in 'crush Saawu conspiracy'

MARITZBURG. — A senior cabinet minister was involved in a "combined conspiracy" to "crush" Saawu at the time when trade union autonomy and minimum government interference in labour relations was announced, it was alleged yesterday.

The allegation concerning a meeting held in East London in October, 1980 was made by the defence counsel of four Saawu (South African Allied Workers Union) leaders

standing trial in Maritzburg on a charge of treason.

The men on trial, Mr Thozamile Gqweta, Mr Sisa Njikelana, Mr Samuel Kilkine and Mr Isaac Ngcobo, heard that the alleged conspiracy involved Mr Fanie Botha, the then minister of manpower, the security police and factory management.

Counsel said that Mr Botha discussed "the Saawu problem" at the meeting called by the Border Chamber of Indus-

tries and attended by the security police and two members of the National Intelligence Service.

Mr Botha, who had said publicly that it would be disastrous for factory management not to recognize the unions demanded by the majority of their workers, discussed a common strategy of how to "deal" with Saawu.

The State alleges that Saawu or some of its leaders have close ties with the ANC.

Major Phillipus Olivier, head of the East London security police labour branch, said that Saawu had been working within the law and, although they had information of a link with the ANC, they did not have enough evidence to go to court.

Details of the meeting, and others, emerged during the cross-examination of Major Olivier.

The trial continues. — Sapa

CAL TIMES 13/2/86

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Minister in 'crush Saawu conspiracy'

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The trial continues. — Sapa

launched for fraud

accused

Police have launched an intensive manhunt for three members of an alleged fraud syndicate who failed to appear in the Hillbrow Magistrate's Court yesterday to face fraud charges involving millions of rands.

They are Mr Dean Earl van Staden (24), Mr Anton Welsh (28) and Mr Deon Olivier (25).

The men, regarded as dangerous, were to have appeared along with Mr David Benjamin van Rensburg (50), Mr Hermannus Pieter van Rensburg (46), Mr Raymond Isaac Friedland (39), Mr Lindsey Jonathan Leigh (32), Mr Manfred Udo Er-lenbach (44), Mr Johannes Petrus Jansen van Vuuren (40) and Mr Gerhardus Martinus Steenkamp (57).

The men have not been asked to plead and the charge sheet has yet to be formulated.

The court case is a sequel to an intensive investigation into a multi-million cheque forgery racket.

Bail of R5 000 granted to the three men at their first appearance on January 20 was estreated and warrants issued.

Bail amounts ranging from R1 000 to R10 000 were extended for the other men.

The case was postponed to February 26.

Machine-gun: man charged

man charged

A man has sued Checkers Pty Ltd for more than R7 000 on behalf of his wife who, he claims, was maliciously charged for shoplifting.

Mr Vassilis Gabriellides claimed before a Johannesburg magistrate that the South Hills, Johannesburg branch of Checkers, without any reasonable case, instituted criminal proceedings against his wife, Mrs Frango Gabriellides (54), on October 4 1984. A Booyse's magistrate acquitted her later that month.

He is demanding R1 361 for legal costs

Springs man rapes girl (9)

East Rand Bureau

A railway welder was yesterday found guilty of raping a nine-year-old Springs girl.

Jacobus Daniel Johannes Wentzel (26) of Railway Houses, New Era, Springs, pleaded guilty in the Springs Regional Court.

The incident took place after Wentzel had been watching TV with the girl's family on Monday.

Her mother asked him to fetch bread from a shop and the child went with him.

"On the way home something in me just snapped and I stopped near a park. I undressed her and asked if I could climb on top of her. She nodded her head."

Wentzel told the court in detail what happened next and said that after raping the girl he realised he had done wrong.

Wentzel took the girl home to her parents and returned to his parents' home, where he stays.

The case was postponed to February 18.

'State witness saw different murder'

Defence challenges account of killing

Staff Reporter

DELMAS — A State witness at the treason trial here of 22 political figures yesterday described the death of a person he thought was a community councillor in Sebokeng during troubles there on September 3 1984.

The witness, dubbed Mr X, is a member of Azapo who was detained that year. He may not be identified.

The accused, some of whom have been in detention for up to 17 months, pleaded not guilty to charges of high treason, terrorism and six counts of murder.

They are all members of the United Democratic Front, the Azanian Peoples Organisation or the Vaal Civic Association (VCA).

Early in yesterday's proceedings, Mr Justice K van Dijkhorst ruled inadmissible a question by Mr George Bizos SC, for the defence, about where Mr X had been detained and assaulted.

Mr X had said that he did not remember at which police station it had occurred.

Mr X said he saw a man whom he thought was a community councillor, Mr Caesar Motjeane, being killed by a group of people who were on a protest march in Sebokeng.

Incurred during the criminal trial, R3 000 for injury to his wife's character and R3 000 for a nervous breakdown she suffered.

According to counsel for Checkers, Mr Neil Lazarus, Mrs Gabriellides was seen by a security guard, Mr B Silwane, going through a pay point without having some items rung up.

When confronted she left the premises and ran down an alleyway, he said.

The cashier, Mrs Anasta Mayekiso, was also charged and subsequently acquitted. Mrs Gabriellides denied running away

but said she had left to contact the police when her daughter, who was pushing their trolley, was confronted by Mr Silwane. She was taken to the police station in the back of a police truck along with the cashier.

Mrs Anasta Mayekiso said Mr Silwane and herself were "not on speaking terms" at the time — after she had spurned his romantic advances.

The hearing will continue at a date yet to be set.

Doctor to be tried over death

The Transvaal Attorney-General has instructed that Dr Charles John van der Westhuizen, who was found by a Johannesburg inquest magistrate to be criminally responsible for the death of a patient, stand trial for culpable homicide.

Dr van der Westhuizen of Willow Road, Wetkop, made a brief appearance in the Johannesburg Magistrate's Court yesterday. He was not asked to plead to the charge of culpable homicide relating to the death of Mrs Elaine Berrange (38) in South Rand Hospital on December 22 1984.

Mrs Berrange died of excessive bleeding caused by a rupture in the uterus.

At an inquest last August, it was found that Mrs Berrange's life could have been saved if Dr van der Westhuizen, who attended to her, had given her plasma.

Her death was caused by his negligence, the inquest magistrate found.

The hearing will continue on February 26.

Proceeding.

MARITZBURG — A senior Cabinet Minister was involved in a "combined conspiracy" to crush the South African Allied Workers' Union (Saawu) at the time when trade union autonomy and minimum government interference in labour relations was announced, it was alleged yesterday.

The allegation, concerning a meeting held in East London in October 1980, was made by the defence counsel of four union leaders standing trial in Maritzburg on a charge of treason.

The men on trial, Mr Thozamile Gqweta, Mr Sisa Njikelana, Mr Samuel Kikine and Mr Isaac Ngcobo, heard

Minister plotted against union'

that the alleged conspiracy involved Mr Fanie Botha (Minister of Manpower at the time), the security police and factory management.

Defence counsel said Mr Botha discussed "the Saawu problem" at a meeting called by the Border Chamber of Industries and attended by the security police and two members of the National Intelligence Service.

Mr Botha, who had

said publicly it would be disastrous for factory management not to recognise the unions demanded by the majority of their workers, allegedly discussed with the closed meeting a common strategy of how to deal with the union.

The State alleges the union or some of its leaders have close ties with the banned African National Congress.

Major Phillipus Olivier, head of the East London security police labour branch, said the union had been working within the law and, although police had information of a link with the ANC, they did not have enough evidence to go to court.

The trial continues.

(331) (14) FM
TREASON TRIALS

14/2/86

UDF in the dock

Despite the euphoria over the withdrawal of charges against 12 top United Democratic Front (UDF) leaders in the Maritzburg treason trial late last year, the organisation's legal tribulations are far from over. Legal sources view the current treason trial in Delmas as a more serious threat to the UDF than the Maritzburg case. For in Delmas it is the UDF itself which is effectively on trial.

Although the Delmas accused include a number of supporters of the Azanian Peoples' Organisation (Azapo) and other non-UDF organisations, the crux of the State's case is that the UDF directly conspired with the African National Congress (ANC) to bring about violent change in SA. In the Maritzburg case, the State claimed that the ANC worked through UDF "underground structures," but it stopped short of alleging that the UDF and ANC conspired together.

In Delmas, the State seeks to prove that the UDF as an organisation, together with its affiliates and active supporters, is part of a conspiracy to overthrow government by vio-

lence.

The Delmas accused also face serious alternative charges. These include five counts of murder, charges of subversion, and allegations of furthering the aims of the ANC and SA Communist Party (SACP).

Much of the case is concerned with the uprising in the Vaal Triangle in September 1984 and the murder of community councillors. The State has not alleged that any of the accused were physically involved in the murders. But the prosecution claims that these violent acts arose out of meetings of a UDF affiliate, the Vaal Civic Association, and that certain of the accused were present during some of the murders. In much the same way, the State alleges that the Vaal uprising was part of a UDF conspiracy.

The Delmas trial is enormous in scope, covering the period from the UDF's national launch in August 1983 until April 1985. Not

only is there a list of 800 co-conspirators, including prominent names like Bishop Desmond Tutu and Rev Beyers Naude, but the State has also included all UDF affiliates in the conspiracy, claiming that their affiliation binds them to implement the UDF's alleged policy of violent revolution.

Although trial proceedings began only recently, the State has already led evidence of UDF members undergoing crash courses in the use of arms and explosives. Evidence has also been led of a clandestine meeting between Tutu and an ANC military and political leader, Joe Slovo, and of links between ANC operations and UDF supporters. But this evidence — given by ANC renegades — has been strongly challenged by the defence.

Meanwhile, in Maritzburg, the State has resumed its case against four leaders of the SA Allied Workers' Union (Saawu) who were originally charged together with the 12

UDF leaders. Much of the State's case against the four — Thozamile Gqweta, Sisa Njikelana, Sam Kikine and Isaac Ngcobo — deals with strikes and boycotts which took place in the early Eighties. It was during this period that Saawu established itself as the strongest of the "community" trade unions, especially in East London. The State alleges that Saawu precipitated these strikes to further the aims of the "revolutionary alliance" between the ANC, SACP, and the SA Congress of Trade Unions.

The charges against the Saawu four remain substantially the same as those withdrawn against their UDF co-accused last year. But the UDF is not expected to feature prominently in the trial. For while the accused have been linked to the UDF because Saawu is affiliated to it, most of the strikes listed by the State pre-date the UDF's formation. ■

State witness accuses police

'My nightmare of interrogation'

12/2/86 STAR

331

Staff Reporter

DELMAS — A State witness giving evidence in the Delmas Circuit Court said yesterday that he had been assaulted by police in detention and told of a "nightmare" week he spent under interrogation, saying he had contemplated suicide to end the fear and loneliness.

Mr X, who may not be identified, was giving evidence at the trial of 22 members of the United Democratic Front, the Azanian Peoples Organisation and the Vaal Civic Association (VCA).

The men, some of whom have been in detention for up to 17 months, have all pleaded not guilty to charges of treason and alternative charges of murder and subversion.

Mr X, who said he was a member of Azapo, said he was detained on December 27 last year.

Earlier he was detained for a week, which he described as "a nightmare that will be with me for the rest of my life".

The second time he was interrogated for three or four months, he said, from 8 am to 4 pm.

Asked by Mr Justice K van Dijkhorst whether he and his interrogators ran out of questions and answers, Mr X replied that this had happened at times. Then his interrogators, of whom he only remembered the names Van Niekerk and Bezuidenhout, would "try to make friends" with him.

Mr X agreed with Mr George Bizos SC, for the defence, that one of the reasons why his interrogation took so long was because there were disagreements

between him and his interrogators.

He said he was kept in solitary confinement.

He was questioned about the death of a town councillor, Mr Caesar Motjeane, who was murdered during troubles in the Vaal Triangle in September 1984.

Later he was told he would be required to give evidence in the current treason trial, which centres on the violence in that area.

Mr X said he had contemplated suicide "on many occasions".

PARTICIPATED

Describing a march on the council offices in Sebokeng on September 3 1984, Mr X said he participated despite his assertion (disputed by the defence) that several marchers carried placards saying "Kill Mahlatsi and his brothers" — a reference to the mayor of Sebokeng, Mr Esau Mahlatsi.

Although he said he "would never kill a soul", he had participated.

"There are some people I personally consider encouraged some of the acts that were committed," he said. He named Mr Esau Raditsela, an executive member of the VCA who addressed a meeting that day, and has now left the country.

"These people who said the councillors are to be killed, those are the people I am talking about," he said.

Asked by Mr Bizos if his conscience spurred him to help the police find Mr Motjeane's killers, Mr X said he decided he could not co-operate with them because of the way they obtained their information.

The case continues.

In camera ruling tightened

STAR 5/2/86 331

Vaal civic group under scrutiny at treason trial of 22

Staff Reporter

DELMAS — The formation of the Vaal Civic Association — named as a co-conspirator in the indictment — came under scrutiny in the Delmas treason trial yesterday as evidence continued behind closed doors.

Mr Justice van Dijkhorst yesterday made his in camera ruling to protect State witnesses more stringent when he banned references to the witnesses' present status.

The ruling forbids the Press or any legal representatives involved in the case from identifying a witness either directly or indirectly.

All 22 accused have pleaded not guilty to the charge of high treason and alternative charges of murder, subversion and terrorism.

One of the protected witnesses yesterday told the court of the formation of the Vaal Civic Association (VCA) and of events allegedly leading to the outbreak of violence in the Vaal Triangle.

He testified that he was present at a mass meeting at the Roman Catholic Church in Sebokeng on October 9 1983 when the VCA was formed.

At the meeting various speakers, including Dr Nthato Motlana and Mr Elliot Shabangu, both of the Soweto Civic Association, and Mr Curtis Nkondo, of the Release Mandela Committee, spoke of the oppression of the black people and urged them to stand up and fight for their rights against the Government's puppets — community councillors.

Various resolutions were taken to oppose the black local authorities, to

boycott the coming elections and to demand decent housing and lower rents, the witness said.

In January 1984, one of the VCA executives, Mr Esau Raditsela, told committee members they should continue to organise meetings and politicise and mobilise the people as "all hell is going to break loose in South Africa", the witness said.

At various other meetings calls to boycott rent payments were made. It was also decided that Vaal Triangle residents would not pay increased rents, the witness told the court.

On September 2 a mass meeting representing Azapo, VCA and Cosas was held at the Anglican Church in Sharpeville — the church of one of the accused, Rev Tebogo Geoffrey Moselane.

Rev Moselane addressed the meeting saying it was time to show the councillors they could no longer play with the residents. The march scheduled for September 3 to Houtkop was discussed, the witness said.

On September 3 at the Roman Catholic Church at Small Farms, Evaton, a meeting was held during which Mr Esau Raditsela said it was time to march to Houtkop and added that they were going to kill the councillors and that houses and property belonging to councillors, the police and the Vaal Transport Corporation should be destroyed, he said.

The witness described the reaction of those present at the meeting as inflamed, saying that if a community councillor had been present the crowd would have "bitten and chewed him".

The hearing continues.

4/2/86 DISPATCH
Delmas trial: (331)
cross-examination

DELMAS — The trial of 22 members of the United Democratic Front on charges of treason and murder continued in the Delmas Circuit Court yesterday with the cross-examination of a state witness.

The witness, Mr John Masenya, an interpreter at the Vereeniging Magistrates Court and an aspirant town councillor, was cross-examined for the second day by Mr George Bizos SC. In reply to a question, Mr Masenya said one of the accused, Mr Petrus Malindi, had told a meeting about rent increases in Evaton on August 26, 1984, that the Vaal Civic Association would look after the children of people arrested for not paying rents and would provide lawyers for their defence.

Mr Bizos pointed out that in his cross-examination earlier he had said he did not know

who had made the offer and added it had not been one of the accused.

Mr Masenya replied in the negative to questions by Mr Bizos about whether or not he knew anything at all about women's organisations in the Vaal Triangle or affiliated to the Vaal Civic Association. — Sapa

N Ireland soldier killed

BELFAST — A soldier was killed yesterday when a bomb exploded near a Northern Ireland village on the border with the Republic of Ireland.

The soldier took the full force of the blast from the bomb hidden behind a wall near the border village of Belcoo, County Fermanagh. Five other soldiers in the patrol escaped injury. — Sapa-AP

Treason witness not truthful — counsel

Staff Reporter

DELMAS — Court interpreter Mr John Masenya, a key witness in the Delmas treason trial, finished testifying yesterday after being told he had contradicted his evidence-in-chief at several crucial points.

Mr George Bizos SC for the defence said Mr Masenya's evidence relating to the accused had varied because he was "not telling the truth".

Mr Masenya gave evidence about a rent meeting he attended in Evaton on August 26 1984 which was addressed by three of the accused.

Twenty-two leading members of the UDF and Vaal Civic Association (VCA) are charged with treason, terrorism, subversion and five counts of murder and of furthering the aims of the ANC.

CHARGES

The charges arise from the unrest which broke out in the Vaal Triangle in September 1984.

All have pleaded not guilty.

During cross-examination of Mr Masenya on Friday Mr Bizos said in his evidence-in-chief on Thursday Mr Masenya had said two of the accused, Mr Petrus Malindi and Mr Naphatali Nkopane, had told people at the rent meeting that community councillors must be "got rid of".

However on Friday Mr Masenya quoted them as saying all councillors must be killed.

According to Mr Masenya's evidence-in-chief, the rent meeting was addressed by Mr Malindi, Mr Nkopane and another accused Mr Sam Matlole.

There had been talk of "removing" community councillors because they were "sellouts".

THREATENED

Mr Masenya said the crowd had been told not to pay their rent and when he had stood up to ask a question he had been threatened with death.

A week later he had come upon the corpse of a community councillor, Mr Caesar Lotjeane, who had been burnt to death. There was a placard which read: "Assassinate the sellout. Asinamali, down with rents."

Yesterday Mr Masenya described the meeting as orderly whereas he had earlier said he said it was unruly.

Asked by Mr Bizos to explain the contradiction he replied that he was bad with words.

The hearing ended with a successful application by the State to have the next witness' testimony heard in camera. The application was heard in camera.

(Mr Justice K van Dijkhorst was on the bench and Mr P B Jacobs prosecuted.)

Witness describes VCA meeting

Court told of call to 'co-opt whites'

Staff Reporter

DELMAS — A witness said in the Circuit Court here yesterday that Mr Curtis Nkondo, a prominent black leader, had told the inaugural meeting of the Vaal Civic Association that "whites should be co-opted so that they can kill other whites".

Mr X, who may not be identified, was giving evidence in camera at the trial of 22 United Democratic Front (UDF) Vaal Civic Association (VCA) and Azanian People's Organisation members.

The men have pleaded not guilty to charges of high treason and alternative charges of terrorism, subversion and murder.

Mr X said Mr Nkondo, a prominent educationist and former president of Azapo, told the meeting in Sebokeng on October 9 1983: "We must get the whites to join us so that we can use them to kill other whites, just like they get black people to kill other blacks."

Mr George Bizos SC, for the defence,

said Mr Nkondo would deny this.

Mr X also said Dr Nthato Motlana of the Soweto Civic Association had told the meeting the VCA should affiliate with the UDF.

The hearing continues.

The 22 accused are: UDF publicity secretary Mr Patrick "Terror" Lekota (37), of Claremont, Durban; UDF general secretary Mr Popo Simon Molefe (33), of Soweto; Anglican priest and Azapo member the Rev Tebogo Geoffrey Moselane (39), of Sharpeville; former UDF secretary for the Transvaal Mr Moses Chikane (37), of Mamelodi; Mr Patrick Mabuya Baleka (25), of Soweto; secretary of the Evaton Ratepayers' Association Mr Petrus Mokoena (47), of Evaton; executive member of the Vaal Civic Association Mr Tsietsi David Mphuthi (48); Mr Naphthali Mbuti Mkopane (40); Mr Tebello Ephraim Ramakula (35); educator with the Urban Training Project Mr Bavumile Herbert Vilakazi (30); Azapo member Mr Oupa Hlomoka (32); Mr Mohapi Lazarus More (25); Vaal Information Service and Rhodes Black Student Society member Mr Thabiso Andrew Ratsomo (27); Congress of South African Students (Cosas) member Mr Mkhambi Amos Malindi (20); former Cosas leader Mr Simon Tseko Nkodi (25); Mr Pelamotse Jerry Tlhopane (27); Mr Serame Jacob Hlanyane (37); and Vaal Civic Association member Mr Gelnunuzi Petrus Malindi (25), all of Sebokeng; Vaal Civic Association executive member Mr Sekwati John Mokoena (33), of Boipatong, Vanderbijlpark; Soweto Civic Association member and worker for the South African Council of Churches Mr Thomas Madikwe Manthata (45), of Soweto; Vaal Civic Association executive member Mt Hlabeng Sam Matlole (61); and Mr Maxala Simon Vilakazi (24), both of Sebokeng.

Policeman quizzed on reports at Delmas trial

TWO reporters who covered a residents' meeting in Sharpeville on August 19, 1984 did not report dramatic statements of incitement to use violence against councillors, the Delmas treason trial was told yesterday.

Sergeant Thulo Ronald Koaho of the Vereeniging Security Police said under cross-examination that although he agreed with portions of the articles about what speakers said, the reporters had suppressed information on violence.

This evidence emerged after counsel for the defence, Mr George Bizo SC, had handed to the court two

newspaper cuttings, dated August 21, 1984, from *The SOWETAN* and *Rand Daily Mail* written by Mr Joshua Raboroko and Mr Ernest Nkabinde respectively.

Mr Bizo put it to Sgt Koaho that the reports differed with what he had told the court in his evidence-in-chief that the theme of the meeting bordered on violence.

Mr Bizo put it to Sgt Koaho that some of the things he alleged Mr Tom Manthata, an accused, said at the meeting, he had quoted Mr Manthata out of context.

The Sergeant said in his evidence that Mr Manthata told the meeting that councillors must be killed because they refused to resign. He also said Mr Manthata said they must be stoned and then set alight.

Earlier in his cross-examination, Mr Bizo also put it to Sgt Koaho that there was no banner saying "Away with councillors". Mr Bizo said Sgt Koaho had mentioned this in order to help the State's case. He also said Sgt Koaho remembered and selected some of the things in the indictment.

(Proceeding).

Handwritten notes in the left margin: "SOWETAN" written vertically, "1331" in a circle, and a circled signature.

Blacks want meaningful rights, witness tells court

COUNCILS NOT THE ANSWER

331
SOWETAN
10/2/86

A WITNESS in the Delmas treason trial conceded on Friday under cross-examination that the fundamental objection to the community council system was that blacks were offered a substitute instead of meaningful political rights.

The witness, who may not be identified, said blacks wanted meaningful political rights and offering them community councils was not offering these rights.

If blacks had political rights, he said, they would have no objections to the existence of the councils.

He was testifying on Friday in the trial of 22 people, most of them from the Vaal Triangle. They have all pleaded not guilty before Mr Justice K van Dijkhorst and two assessors to a high treason charge, alternatively terrorism, murder and subversion.

The charges arise from the unrest which erupted in the Vaal townships during September 1984.

Proceedings are being held in camera.

Questioned by Mr George Bizos, SC, for the defence, Mr X said in the Vaal, the people perceived the community councils as puppets of the Government. He said during 1983/4 there was a popular re-

Delmas Treason Trial

sentment of the councils.

The witness also said it was true that before the rent increases of September 1, 1984, people in the Vaal felt they were paying more than other townships.

He said he believed some of the rumours about corruption, self-enrichment and maladministration within the local council. He added that it was also true that one could not get a trading site or allocated a house without a bribe.

Earlier, the witness told the court that one of the accused, the Rev Tebogo Moselane (39), had been present at the April, 1983 inaugural meeting of an Azanian People's Organisation (Azapo) branch in the Vaal where Mr Oupa Hlomuka (32), another accused, was elected chairman.

He said Mr Moselane was an Azapo member. At the meeting, he (Moselane) had told them that even if he was not present, his church was available to Azapo because he was black consciousness orientated.

Mr Bizos put it to the witness that the Vaal branch was formed in March 1980 in Evaton. He said up to October 1983, its chairman was Mr Kabi Shabangu, and Mr Hlomuka was an executive member under him (Shabangu).

Mr Bizos said Mr Moselane openly admitted that he was an adherent of black consciousness as defined by the late Steve Biko.

The trial continues.



Miss NOMACALA HLOMUKA and Mr Roy Shepherd leaving the Delmas Circuit Court after visiting some of the 22 men charged with treason. Miss Hlomuka is the sister to Mr Oupa Hlomuka, one of the accused. Mr Shepherd is a family friend.

Court told of grievances

DELMAS. — A State witness in the trial of 22 United Democratic Front members on charges of treason and murder told the Circuit Court here about the grievances of black people in the Vaal Triangle in 1983 and 1984.

The member of the Azanian People's Organization (Azapo) and the Vaal Civic Association (VCA) was being cross-examined by Mr George Bizos, SC, for the accused.

The witness, who may not be identified, said his colleagues were suspicious of community councils which were generally regarded as instruments of white rule, that failed to represent the community on issues such as rents.

People in the Vaal townships felt they were paying more rent than in other townships — even before a R5,90 rent increase on September 1, 1983. This increase led to the violence on September 3 when a councillor was murdered in Sebokeng.

He said residents suspected the councils were corrupt and misused funds received from rents and levies.

The witness said he had heard of trading sites in townships being secured by bribery, and of houses being allocated in the same way. He had personal experience of the latter irregularity, he said.

The hearing continues. — Sapa

TALK of 'conspiracy'

COUNSEL for four treason trialists alleged in Pietermaritzburg this week that a cabinet minister, Fanie Botha and the security police were involved in a conspiracy to crush the South African Allied Workers Union (Saawu).

The claims were made at the Supreme Court trial of Saawu president Thozamile Gqweta who is appearing with Sisa Njikelana, Samuel Kikine and Isaac Ngcobo before Justice J P Milne.

Advocates Clifford Mailer and Marino Moerane claimed the conspiracy involved Botha, then Minister of Manpower Utilisation, the Security Police, managers of about 15 East London-based factories and two members of National Intelligence.

Botha allegedly discussed "the Saawu problem" with them at a closed Border Chamber of Industries meeting in October, 1980. He allegedly said it would be disastrous for management not to recognise the unions demanded by the majority of their workers, but discussed a "common strategy" to deal with Saawu.

The defence also alleged that Botha told the managers to "keep talking" to Saawu, but "not to recognise them". He asked how long they could last against Saawu pressure for recognition.

This evidence was presented during

By TONY OOSTHUIZEN,
Pietermaritzburg

cross-examination of state witness Major Phillipus Olivier, head of the East London Security Police Labour and Trade Union Section.

Olivier said Saawu had been working within the law and, although they had information of a link with the ANC, they did not have enough evidence to go to court.

The court heard lengthy evidence on Olivier's visits to the managers of factories in the area and his involvement in giving factories advice when the workers were on strike.

Responding to questioning by Mailer, Olivier said he visited managements at most of the factories and advised them not to have any dealings with Saawu. He denied an allegation that managements were "subjected to considerable pressure by the Security Police to have nothing to do with Saawu", but agreed with an allegation that factory managements in the Border Area were influenced by him, his staff and the minister.

Defence counsel said the "collective conspiracy" to crush Saawu took place at the same time the government was announcing trade union autonomy, freedom of association and minimum government interference in labour relations.

The trial resumes on Monday.

Treason trial of four trade union leaders is resumed

Pietermaritzburg Bureau

TWELVE United Democratic Front leaders were acquitted of treason last year because the State could not rely on the evidence of Mr Issac de Vries, its main witness, Mr Andre Oberholzer told the Supreme Court here yesterday.

Mr Oberholzer, for the State, said this when the treason trial of four trade union leaders resumed, after charges had been withdrawn in December against 12 other accused.

Mr Oberholzer said the State would not place any reliance on the evidence of Mr de Vries, a political scientist from the Rand Afrikaans University who testified on the activities of the African National Congress in South Africa.

The four accused, Richard Gqweta, 33, Sisa Njikelana, 29, Sam Kikine, 36, and Duzé Ngcobo, 36, who were all leaders of the South African Allied Workers' Union, were originally part of a group of 16 charged with treason, with alternative charges of furthering the aims of an unlawful organisation and terrorism.

Mr Oberholzer told Mr Justice Milne, sitting with two assessors, that the State still relies on a conspiracy between the accused and the 12 former co-accused who were acquitted because the main witness did not come up to scratch.

Conspiracy

'But that is not to say we still can't prove that a conspiracy between the 12 former accused and the four accused ex-

Mr Clifford M. the defence, said 'extraordinary' State wanted to prove guilt of his client on the actions of accused which they themselves had not to prosecute.

The State said it intended to prove that the four accused had conspired to violently overthrow the Government in taking part in various political meetings.

The indictment describes some of the meetings as being 'characterised by revolutionary, inflammatory and bellicose songs'.

Close links

The State also intends to call factory owners and employers of the Durban and East London areas to show that SAAWU was the cause of strikes, boycotts and unrest in furthering the aims of the Revolutionary Alliance, Mr Oberholzer said.

Maj P Olivier, who was in charge of the labour and trade union section of the East London Security Police from 1974 to 1985, said part of his job involved having 'close links with the management of factories and industries'.

Increased

He said that between 1974 and 1979, when he had first become aware of SAAWU, there had been between two to four reports of strikes a year in the East London area.

In the following year, when Mr Gqweta was arrested and released on bail, 18 strikes were reported and this number increased to a further 35 in 1981, the policeman said.

Olivier said Mr Gqweta and Mr Njikelani were detained for some time by the Ciskeian Police and there were about 18 strikes that year.

Three of the 12 former accused, Dr Essop Jassat, Mr M J Naidoo and Mr Aubrey Mokoena, were present at the trial along with Durban-based representatives from the United States and German consulates.

Sentence for ANC 'Call'

Cape Court Reporter 251
A STUDENT at the University of the Western Cape was yesterday sentenced in Wynberg Regional Court to 12 months' imprisonment for possessing an African National Congress (ANC) pamphlet.

Sentence on Brendon Bell, 22, of Mitchell's Plain was suspended for three years.

Bell, who pleaded guilty to the charge under the Internal Security Act, said he had been given the pamphlet entitled "ANC Call to the Nation; The Future is within our grasp", at a student meeting last year.

The magistrate, Mr M Symington, said he had imposed a suspended sentence as the Act did not make provision for a fine.

Mr W Badenhorst appeared for the State.

Advertisement

Secret police report handed in at trial

Dispatch Correspondent

PIETERMARITZBURG — A secret security police report recommending ways of "crushing" the South African Allied Workers Union (Saawu) in East London was handed in during the treason trial here this week.

Mr Clifford Mailer, for the defence in the trial of four Saawu leaders, handed in the 12-page document during the cross examination in the Pietermaritzburg Supreme Court of the report's author, Major Phillipus Olivier, the then head of the labour and trade union section of the security police in East London.

Those on trial are Thozamile Gqweta, 33, Sisa Njikelana, 29, Sam Kikine, 36, and Duze Ngcobo, 36, facing charges

which include being involved in the East London 1980/81 industrial unrest.

Mr Mailer said the cause of the wave of strikes in East London in 1980/81 had been the "intransigence of management aided, and abetted by the security police".

He said: "This report is absolute and conclusive evidence about Major Olivier's deliberate attempts to crush Saawu."

Major Olivier said he had handed the report to Mr Fanie Botha, the then Minister of Manpower Utilisation, and to "certain select managers of major companies in East London dealing with Saawu" in 1980.

14/2/86. #ISA (33)
The report claimed that Saawu "infiltrated" factories in the East London area by inviting a worker representative to a meeting "where they try to get the black man as emotionally involved as possible".

"After the meeting he ('the black man') will normally do just about everything for the union and he feels honoured that he is chosen for the task."

The document recommends that the "more moderate" Trade Union Council of South Africa be "activated and motivated to show more interest and to be more active in recruiting and organising workers".

The trial continues on Monday.

CAP 71-1-15
14/2/86 331

Cooper leaves SWA after court appearance

WINDHOEK. — The Azanian People's Organization president, Mr Saths Cooper, left SWA/Namibia for Cape Town yesterday after a brief appearance in the Magistrate's Court here.

He was not asked to plead to charges that he did not obtain the necessary papers to enter SWA/Namibia, and bail of R50 was granted.

The hearing adjourned until April 24.

Mr Cooper, 35, was arrested in Windhoek on Wednesday night shortly before he was due to address a meeting on the theme "Black Consciousness Movement and its Lessons for Namibia".

He was taken into custody in terms of a SWA/Namibian ordinance of 1970 which requires people of Asian descent to obtain permits to enter the territory.

The ordinance is to be repealed by a bill adopted by the SWA/Namibian National Assembly last year. Authoritative sources said the legislation would be enacted on April 1.

A possible consequence of the repeal of the ordinance — in terms of which Mr Cooper had been detained — would be the dropping of charges. — Sapa

'Swapo': Charges still stand

OWN Correspondent

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WINDHOEK. The Supreme Court here yesterday dismissed an application that charges under the Internal Security Act and the Suppression of Communism Acts to be dropped against seven alleged Swapo members on the grounds that the charges conflicted with the Bill of Rights.

In a written judgment, Mr Justice Johan Strydom said that although the Bill of Rights had been included as part of Proclamation R101 of 1985 which empowers the transitional government, it was not the constitution of a sovereign legislative body.

The National Assembly had the power to repeal or amend laws which infringed fundamental rights in such a way that the legislation's infringement still stood but was lessened.

Mr Justice Strydom found that the relevant sections of the two Acts were not rendered invalid because of a clash with the Bill of Rights.

The trial began yesterday after the judgment.

Come and pray at Tolstoy

By MONO BADELA

THE campaign by the Detainees' Parents Support Committee and other UDF affiliates to fight for the release of all detainees and lifting of the state of emergency kicks off with a program of fasting and prayer at the Tolstoy Farm near Lenasia on Sunday.

A public meeting on the plight of detainees will be held next Thursday.

Many churches on the Reef will be remembering detainees in their services this Sunday.

'Where is evidence, Major?'

DEFENCE counsel in the Maritzburg treason trial this week said he did not believe a Special Branch major's evidence that he had destroyed tapes with incriminating evidence about Saawu members.

CR Mailer said it was absurd for a policeman to destroy incriminating tapes.

Special Branch Major P Olivier said earlier that the State had decided to prosecute Saawu members after he consulted the Manpower Minister.

Appearing before Judge Milne are Thozamile Gqweta, 33, Sisa Njikelana, 29, Sam Kikine, 36, and Isaac Ngcobo, 36. - Sapa

Political comment and newsbills by Percy Qoboza, and headlines and sub-editing by David Niddrie and Chris Vick - all of 204 Eloff Street Extension, Johannesburg.

NEWS PLUS+

★ ABOUT 35 emergency detainees held at the Diepkloof Prison near Johannesburg have "not taken their meals since breakfast on Tuesday", a Prisons spokesman said.

A Detainees' Parents Support Committee spokesman said they went on strike to protest against their "continued detention, the prolonging of the state of emergency and the conditions of their imprisonment". - Sapa.

NEWS PLUS+

★ THE National Union of Mineworkers will hold its fourth congress in Soweto tomorrow.

Issues to be discussed during the two-day meeting will include how to mount resistance against apartheid in the mining industry, job reservation and Num's domestic and international relations with other unions.

More than 1 500 delegates from 11 regions are expected to attend.

NEWS PLUS+

★ SWAZI cops have seized the passport of MP J Z Dube in their continuing crackdown against opponents of Prime Minister Prince Bhekimphe Dlamini.

Passports of Education Minister Dabulamjiva Mhlaba and sacked newspaper manager Lawrence Zwane were also taken. - Sapa.

NEWS PLUS+

★ THE ban on James Cone's "For my People" - published by Skotaville - has been suspended until the matter goes on appeal.

"This means people can now buy the book without any problems," said Directorate of Publications spokesman Professor Andy Coetzee.

Cone's book won critical acclaim when it was released, and was regarded as a definitive work on liberation theology.

DISPATCH (331) 18/2/86

Court told of file on treason trialist

PIETERMARITZBURG — A file concerning treason trial accused Mr Sisa Njikelana had been among African National Congress records in Lesotho, a witness whose identity cannot be revealed, said in the Supreme Court here yesterday.

The witness also said that a passport containing the photograph of another accused, Mr Thozamile Gqweta, had been made out in the name of Mr Richard Miti.

The witness had seen the passport in Lesotho at the "place" of a person named Kingdom Short who was the treasurer of the South African Congress of Trade Unions in Lesotho.

The witness had also seen Mr Gqweta, who was the national president of the South African Allied Workers Union, in another place in South Africa.

The witness, who was giving evidence in camera, described having worked as a member of the African National Congress for a person named Socks in Lesotho when Mr Njikelana's file

was seen. The witness had worked on some of the files.

The witness had worked under superiors, including Socks, in the Lesotho military machinery. This was a superior structure of various branches of Umkhonte we Sizwe, the military wing of the ANC.

The witness said there were commandos of the Free State, Eastern Cape, Border and Natal military machinery. All these sub-structures were known as the Lesotho Military Machinery.

The witness said that in addition to the ANC, Umkhonte we Sizwe, the South African Communist Party and South African Congress of Trade Unions were working in Lesotho.

"We were all under representatives and we used to see one another often. There was a chief representative of the ANC."

The witness described having gone for training in several African states. Mr Justice A. J. Milne ruled that some of these states should not be revealed as they could

help to identify the witness.

The witness said that after two associates who had African National Congress connections had been killed in a car bomb explosion in Swaziland, the witness went to Lesotho.

"I realised that there was no security in Swaziland so I went to Lesotho."

The witness knew some of the people killed in a Defence Force raid in December 1982. They had stayed and used houses in Maseru, known as Siberia and Moscow.

The witness attended the funeral and among the people were ANC president Oliver Tambo, King Moshoeshoe, the former Prime Minister, Chief Leabua Jonathan, and members of the ANC.

During a spell of training the witness had undergone military training including reconnaissance, topography and the use of various arms.

The case continues. — Sapa

18/2/86

Kinikini murder trial resumes

The Argus Bureau

PORT ELIZABETH. — The trial of 10 people charged murdering Kwanobuhle community councillor Mr Ben Kinikini, four members of his family and an employee has resumed in Grahamstown Supreme Court.

Mr Kinikini, 57, sons Silumko, 20, and Kwala, 13, nephews Eric Kinikini, 25, and Qondile Kinikini, 18, and Mr Zolisile Pram, 20, were hacked and burnt to death at Kwanobuhle, near Uitenhage, last March.

The accused face six charges of murder and one of public violence.

They are Mr Moses Jantjies, 21, Mr Mlamli Mielies, 22, Mr Luncile Bobby, 22, Mr Tobile Nahlahla, 19, Mr Mcqondo Vena, 26, Mr Zandisile Ndwanya, 18, and four youths.

The district surgeon of Uitenhage at the time of the killings, Dr Willem Verschuur, said yesterday it was possible only to make assumptions about the exact causes of death.

The trial continues today.

Mr Justice Tom Mullins is on the Bench with Mr B P Loots and Mr E A Logie as assessors. Mr Chris Nel appears for the State and Mr Justice Poswa and Mr H Naidu for the defence.

D. K. Syd

Witness says Saawu 2 were ANC contacts

DISPATCH
19/2/86

Dispatch Correspondent

PIETERMARITZBURG

— Two leaders of the South African Allied Workers Union facing charges of high treason, were also official contacts of the African National Congress, a secret witness for the state alleged in the Supreme Court here yesterday.

Witness X, a former ANC "cadre" whose identity may not be revealed, said this during the trial of Thozamile Richard Gqweta, 33, Sisa Njikelana, 29, Sam Kikine, 36, and Duze Ngcobo, 36, who are all accused of trying to violently overthrow the government and further the aims of the ANC-led Revolutionary Alliance.

The witness testified to having seen ANC files in Lesotho, on Mr Gqwe-

ta and Mr Njikelana which had their photographs stapled on the inside of the folder with the special classification of "00 00" reserved for "Contact Persons".

The file references of Mr Gqweta and Mr Njikelana were respectively "GOOOOR" and "N0000S".

File numbers were made from the first letter of the person's surname, followed by the "00 00" and the first letter of the person's Christian name.

Witness X said contact people brought others to meet the ANC in Lesotho and dealt with the ANC or its ally, the South African Congress of Trade Unions.

The ANC files classified people into three groups — the recruits, who were coded as "00"

and who could not do much work for the ANC as they were on probation; "operatives" who were trained ANC members and classified as "000"; and the contacts.

Witness X did not know what was written in the files despite having handled the documents on Mr Gqweta and Mr Njikelana.

The court was shown a three-minute video recording of Mr Gqweta and Mr Njikelana singing in a crowd "Tambo lead us in this year of unity" at a Saawu congress at Soweto in April 1984.

The witness said that while undergoing military training in Southern Africa the same song had been sung in the training camps.

The trial was adjourned until Friday.

UDF activist in court

Staff Reporter 33.1

UNITED Democratic Front activist Graeme Bloch appeared in the Wynberg Magistrate's Court yesterday.

Mr Bloch, who was detained twice last year, was not asked to plead.

The charge sheet indicates that Mr Bloch, 29, of Stafford Street, Claremont, may be charged under the Internal Security Act with attending an illegal gathering.

The hearing was adjourned to March 7 and Mr Bloch's bail of R400 was extended.

Mr S L van der Walt was the magistrate. Mr W J Downer appeared for the State. Mr M Parker appeared for Mr Bloch.

Rand man appears at treason trial

21/2/86
331 Mercury

Mercury Correspondent

JOHANNESBURG—A young Johannesburg man yesterday pleaded not guilty in the Rand Supreme Court to a charge of treason.

However, Eric William Pelser, 21, of Hillbrow, pleaded guilty to the alternative charge of terrorism, which included the allegation that he was a member of the African National Congress (ANC) and had been in possession of an AK-47 rifle, 120 rounds of ammunition and two hand-grenades.

His plea of not guilty to the main charge was not accepted by the State.

He also pleaded guilty to being in possession of a dependence-producing drug, and not guilty to two further charges — a contravention of the Internal Security Act after being found with S A Communist Party and ANC literature, and a contravention of the Publications Act.

It is alleged that Pelser received military training in Angola and entered the Republic to carry out missions for the ANC.

In the main charge of treason, the State alleges that from July 1984 to July 1985 Pelser 'unlawfully and with hostile intent' conspired to overthrow and/or coerce and/or endanger the S A Government, and conspired with the ANC to fur-

ther its aims and objects.

Capt E P van Wyngaard of the S A Police said he had raided Pelser's flat last July after a tip-off. A search of the flat had disclosed a bag containing the weapons, ammunition and grenades.

He also found a prohibited drug, LSD, in a shirt pocket.

Telegram

A friend of Pelser's, Mr P W Myers, said the two of them had spoken at length about their objections to the system and the means open to people wanting to change it. At that time Pelser objected to violence, but after a later visit to Botswana he showed a greater acceptance of it.

Mr Myers said Pelser had once asked him to act as a courier on an errand to Botswana but he refused and had also burnt a telegram sent by the ANC to Pelser to his own address.

Mr Myers agreed that it was not uncommon for young people in S A, frustrated with the pace of change, to 'reluctantly' consider violence.

Mr Justice C F Myers, presiding, said there was a big difference between 'apartheid discussions and possessing instruments of war'.

The hearing continues today.

21/2/88
Jail for having
petrol bomb

Own Correspondent

PAARL — A 20-year-old Mbekweni man was jailed for two years by the Paarl Regional Court yesterday for possessing a petrol bomb.

John Tshabala was sentenced to four years, two of which were suspended for five years.

The magistrate, Mr J M Lemmer, said that in the past eight months 50 petrol bombs had been thrown in the Paarl area.

Mr F Steyl appeared for the State.

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Dispatch Correspondent

JOHANNESBURG — A

young Johannesburg man pleaded not guilty in the Rand Supreme Court yesterday to a charge of treason.

Hillbrow man charged with treason

ammunition and two handgrenades.

Eric William Pelser, 21, of Hillbrow, pleaded guilty to the alternative charge of terrorism

His plea of not guilty to the main charge was not accepted by the state.

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He also pleaded guilty to being in possession of a dependence-producing drug, and not guilty to two further charges — a contravention of the Internal Security Act, after possession of an AK47 rifle, 120 rounds of which he was found with South

African Communist Party and African National Congress books, and a contravention of the Publications Act.

The indictment alleges that Mr Pelser underwent military training in Angola and entered the Republic to carry out missions for the ANC.

In the main charge of treason, the state alleges that Mr Pelser's Pre-

that between July 1984 and July 1985 Mr Pelser, unlawfully and with hostile intent, conspired to overthrow and/or coerce and/or endanger the South African Government and conspired with the ANC to further its aims and objects.

Captain J.P. van Wyk, a guard of the South African Police, said he raided Mr Pelser's Pre-

toria Street flat last July after a tip-off about banned books. A search of the flat revealed a bag containing the weapons, ammunition and grenades.

He also found a prohibited drug, LSD, in a shirt pocket.

A friend of Mr Pelser, Mr P. W. Myers, said the two of them had spoken at length about their objections to the system

and the means open to people wanting to change it. At that time Mr Pelser had objected to violence but after a later visit to Botswana he showed a greater acceptance of it, Mr Myers said.

He said Mr Pelser had once asked him to act as a courier on an errand to Botswana but he had refused. The case continues.

Grenades, rifle and rounds found in flat Hillbrow man admits ANC weapon training

21/2/86
STAR 331

A young Hillbrow man yesterday admitted in the Rand Supreme Court he had joined the military wing of the banned African National Congress and had been trained to use weapons and explosives.

Mr Eric William Pelser (21), of Cumberland Court, Pretoria Street, Hillbrow, faces charges of treason and possessing banned literature. He is believed to be the first white charged with undergoing military training under the ANC.

He was arrested in July last year when members of the security police raided his Hillbrow flat and found an AK 47 rifle, ammunition, handgrenades and several banned publications.

In a statement handed to court, Mr Pelser said he fled from South Africa to Botswana because he could not face the prospect to being conscripted into the South African Defence Force.

In Botswana he joined the ANC and later its military wing, Umkhonto we Sizwe. During a three-month camp he was trained to use arms and explosives before being sent back to South Africa.

His "mission" in South Africa was to recruit people to join or support the ANC, to set up an ANC base, to commit acts of violence, to gather information that would be useful to the ANC and to transmit it to the organisation and to disseminate ANC propaganda and publications.

The police officer who arrested him, Captain E P van Wyngaardt, yesterday told the court he and three colleagues had raided Mr Pelser's flat on the strength of information that they would find a banned book there.

Had he known about the AK 47 and the two handgrenades, he would have approached the flat more carefully, but he simply knocked on the door, Captain van Wyngaardt said.

After his arrest, Mr Pelser asked Captain van Wyngaardt to fetch him more clean clothes. In the pocket of one of the shirts, Captain van Wyn-

gaardt discovered a small cellophane packet with ten "dots" in it.

He asked Mr Pelser what it was, and he said it was "acid", the dependence-forming drug LSD.

A friend of Mr Pelser's who was at Jeppe Boys' High School with him, Mr P W Meyers, said he lost contact with Mr Pelser when he went for his national service but in July last year met Mr Pelser in the street by coincidence.

They renewed their friendship and saw each other about twice a week.

He asked Mr Pelser what he had done "over the border" and he replied that he had taught children English and History.

Only later did Mr Pelser tell him that he had been trained as a guerilla and was an ANC "commander" sent back to South Africa to perform certain tasks.

'Not capable of using weapons'

Mr Pelser had asked if he could use his address as a "post box" for a letter from Botswana. Mr Pelser seemed very keen to receive the letter but when it was delivered, Mr Meyers destroyed it and told him it had never arrived.

Before Mr Pelser went to Botswana he was very anti-violence and intellectually rather than politically inclined. When he returned he seemed to accept that violence was "the only way out" of the apartheid system, said Mr Meyers.

He said he got the impression that Mr Pelser wished to free himself of the ANC but seemed to be caught in a trap. He did not think Mr Pelser was capable of using the weapons he had brought into the country.

Mr Pelser has pleaded not guilty to the charges of treason and unlawfully possessing banned literature.

The hearing continues today.

Mr Justice L F Weyers is on the Bench. Ms B L Treurnicht and Mr S Bekker represent the State. Mr J Browde, assisted by Mr R Sutherland and Mr M van der Nest, represent Mr Pelser.

Accused joined ANC

STAD 20/2/86 By Gavin Engelbrecht

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Mr Eric William Pelser (21) of Hillbrow, charged in the Rand Supreme Court with treason, this week described to a judge how he became involved with the military wing of the African National Congress after he had fled the country to avoid conscription.

Mr Pelser pleaded not guilty before Mr Justice L F Weyers to charges of treason and unlawfully possessing banned literature, but guilty to contravening section 54 of the Internal Security Act and to the possession of lysergic acid.

Members of the Security Police raided his flat on the strength of information that they would find banned literature there. They took possession of an AK-47 rifle, ammunition, hand grenades and several banned publications, the court heard.

In a statement Mr Pelser admitted joining Umkhonto we Sizwe, the military arm of the ANC.

Judgment will be passed on Monday.

Mr X IS AT IT AGAIN

CIT 1 P.
331
23/2/86

CP Correspondent

MYSTERY witness Mr X - who has just testified at the Delmas treason trial - turned up to give State evidence at the Maritzburg treason trial this week.

The witness - who says he is a former ANC cadre, and can only be identified as X - told the court he'd seen one of the accused, Thozamile Richard Gqweta, in an ANC house in Lesotho.

He said files containing details of Gqweta and another accused, Sisa Njikelana, were among the personal files kept by the ANC in 1984.



GQWETA

Gqweta and Njikelana were "contact persons" of a suborgan of the ANC - the exiled SA Congress of Trade Unions - X said.

Gqweta, Njikelana, Sam Kikine and Isaac Ngcobo - all executive members of the SA Allied Workers' Union - face charges of high treason.

X told Judge Milne he saw Gqweta in an ANC house in Maseru. X said he knew Gqweta "well".

The witness recognised a photograph of Gqweta, Njikelana, Sactu treasurer Kingdom Sono and two other women which was shown to the court.

The court was told X had seen the photograph in Lesotho.

X also claimed to have seen an SA passport with Gqweta's photograph and the name Richard Miti.

The witness said: "The name Miti was the one he used in Lesotho."

"I would say it was his Umkhonto weSizwe name as whatever was said about him was put in Richard Miti's file."

X told the court the ANC military intelligence had files on Gqweta and Njikelana which it got from Sactu.

It was general knowledge in Lesotho that Sactu and Saawu had dealings with each other and that Saawu members regularly approached Sactu for assistance, X said.

X, who said he was responsible for filing security documents at ANC premises in Lesotho, said ANC and Sactu files were kept at the same centre under a special coding system.

There were codes for recruits, contacts and senior or ordinary operatives.

Gqweta and Njikelana were coded as Sactu contact people.

The court heard X say he had worked for the ANC in Lesotho until he was arrested in South Africa.

Alex

against the democratic

demands made by millions of oppressed people.

"We express our solidarity with the people of Alexandra, Witbank, Atteridgeville and Kagiso and condemn the security forces' terrorist actions against innocent children at Wilgespruit," the two movements said.

CITY P. 23/2/86 331

By MARTIN NTSOELENGOE

AFFIDAVITS by Munsieville and Kagiso residents against the Law and Order Minister and Defence Minister were temporarily shelved by the Rand Supreme Court this week — because they are “too hot to handle”.

In an unusual move, lawyers for both the residents and the Ministers agreed the affidavits should not be made public until both ministers had had time to study them.

The papers will only be made public on March 28.

This ruling is believed to be the first of its kind in South Africa's legal history. Once a matter is called into an open court, papers usually become public documents.

Claims against Ministers 'too hot' for public

But in this case the allegations against Louis le Grange and Magnus Malan were of such a nature that all parties agreed it would be unfair if they were published before both Ministers had the opportunity to study and reply to the affidavits.

Said the judge: “This is a most unusual procedure and

one not lightly implemented”.

A special application was brought before Judge RJ Goldstone by three church leaders and the Krugersdorp Residents' Organisation chairman on allegations concerning the conduct of cops and soldiers in the three Krugersdorp townships.

The applicants were KRO chairman Dikeme Joseph Makgotlo, Congregationalist Reverend Bethuel Mongwaketsi, Methodist Reverend Jacob Sefatse and Catholic Father Samson Kataka.

• The papers were served on the Law and Order Minister and Defence Minister on Thursday last week, so they

had no time to look into the allegations of misconduct.

In a statement read in court this week, Law and Order Minister Le Grange said that although he did not admit any of the allegations, he viewed them in a serious light.

He undertook to instruct senior police officers unconnected to the West Rand to investigate the claims.

He also undertook to pass instructions to all policemen in the West Rand prohibiting them from committing unlawful acts.

In a similar statement, the Defence Minister said it was SADF policy to treat the public with respect and not to “overdo things”. He said

force members were expected to act with proper discipline and lawfully, with the minimum force essential to prevent and combat unrest.

Dennis Kony, SC, assisted by JHA Munnick represented the three churchmen and the KRO chairman. PA Hattingh, SC, and Bruce Berman appeared for the Law and Order Minister, and Jurie Wessels assisted by John Coetzee for the Defence Minister.

CITY 7. 23/2/86

WITBANK'S stayaway became a stay-in for magistrates this week.

They'd never had it so tough before - sweating away until midnight on Monday to deal with the 856 people charged with attending an illegal meeting.

The "illegal meeting" was actually a group of unemployed people gathered at the Ackerville Stadium to discuss their problems and how to stay employed.

Right in the middle of the Sunday meeting, police and security forces showed their might and arrested the people. Angry residents responded by calling for a week-long "tools down" or strike.

The mass arrests caused chaos in the local prison, which was short of warders - because cops and the black staff at Paxton prison were marooned in the townships because there were no buses or taxis.

Magistrates AWS Janse van Vuuren, GY Van Zyl and JP Nordier, and local lawyer Shad Maelane, had to stretch themselves to the limit to clear the workload, while members of various organisations ran from pil-

lar to post raising money for fines and collecting food for the prisoners.

In court, the arrested people were divided into groups: Workers were fined a maximum of R60 and a minimum of R10, and unemployed and scholars cautioned and discharged.

The mayhem in the townships of Lynneville, Ackerville and Old Location started last Wednesday, when students were arrested for public violence. A demand for their release was unsuccessful, and on Thursday angry

residents took their vengeance against company cars.

Unconfirmed reports state that a busload of white workers was stoned and burnt and two men were seriously injured. But police spokesman Lt CJ Marais said no such incidents were reported to the police - and added that all police in Witbank had reported for duty.

On Friday morning, the townships were raided by the "security forces" who staged house-to-house raids.

Several people told *City Press* they believed this was a direct result of the attack on the busload of white people.

All was relatively quiet until Sunday when, a few hours after the mass arrest at the stadium, two cops' homes were petrol-bombed.

Neither of the cops - Warrant Officer Lucas Serumule and Sergeant FS Nyambe - was injured.

A number of people are believed to have been injured when cops opened fire and sjambokked them at the stadium.

The injured were taken to hospital.

STAYAWAY - OR STAY-IN?

By DERRICK LUTHAYI

Treason: Pelser to serve 7 years

Dispatch Correspondent

JOHANNESBURG — Eric Pelser, convicted in the Rand Supreme Court of treason on Monday, was yesterday sentenced to twelve years imprisonment of which he will serve seven years.

Pelser, 21, of Hillbrow, Johannesburg, was sentenced by Mr Justice Weyers to nine years on the treason charge of which three years were conditionally suspended for four years.

He was also sentenced to one year suspended for four years for possessing a dependence-producing drug, LSD; two

years, one of which was suspended for four years, for the possession of two books in contravention of the Internal Security Act and the option of a R200 fine or two months jail for possessing books in contravention of the Publications Act.

Mr Justice Weyers said Pelser, who admitted joining the banned African National Congress and its military arm Umkhonto We Sizwe, and to undergoing military training in Angola, had run a risk in the course he had opted for and it had not come off.

He said Pelser had had three choices: to accept the system; to work towards the change he desired, to be introduced by constitutional reform; and to conspire against it which carried the risk of a conviction for treason or terrorism.

The state had a duty to punish people involved in that type of crime whether it was committed by misguided idealists, willing tools in the ANC's hands, or hardened terrorists, Justice Weyers said.

He had given Pelser a lenient sentence because of his age, he said.

Allegations added to indictment 'Serious' charges against Delmas 22

Staff Reporter

DELMAS — A number of new and "serious" allegations have been added to the already lengthy indictment against the 22 accused in the Delmas treason trial.

The men on trial include leaders of the United Democratic Front and Vaal Civic Association and members of the Azanian People's Organisation.

They pleaded not guilty to 12 charges of treason, terrorism, subversion, murder and furthering the aims of an unlawful organisation, in a trial which has already run for more than a month. Now, the State has extended the indictment, alleging that the 22 men actively contributed to spreading unrest nationwide and introducing averments of two murders, riots and arson.

Another of the new allegations is that Mr Patrick "Terror" Lekota taught people at Tumahole to manufacture and use petrol bombs and that he actively participated in a stoning incident.

Mr Justice K van Dijkhorst yesterday ruled that the amendments to the indictment were granted.

Before this ruling, Mr Arthur Chaskalson SC opposed the amendments, arguing that they called on the accused to reply to "new and serious allegations" which made it a different case to

the one they prepared for over a period of seven months before the hearing started.

He said the amendments would delay and prolong the trial.

The Rev Lord McCamel, a former chairman of the Vaal Civic Association (VCA), was yesterday called by the State to testify about the formation and aims of the VCA.

The Rev McCamel gave evidence about the VCA's campaign against the election of local councillors. He said it became clear how effective the VCA was on election day, when few people voted.

The idea was not that the VCA would take over power, but rather that the councillor system should fail, so the central government would be forced to speak directly to the community about their problems.

Asked by the judge why the VCA did not simply "take over" the community councils by electing their own candidates, the Rev McCamel said: "We did not want that system. The whole system had to be done away with." The community wanted to make its own decision on the type of body which was to represent it at the highest level.

He said the VCA was affiliated to the UDF.

The trial continues.

Pelser guilty of treason

Court told of ANC's system

DIANNA GAMES

SECURITY POLICE Colonel Jacobus Buchner told the Rand Supreme Court he had learned of African National Congress training and infiltration methods by interrogating 200 ANC men.

Buchner was giving evidence in the trial of Eric William Pelser, a 21-year-old white man of Hillbrow, Johannesburg, on Monday.

Pelser was yesterday found guilty of treason and sentenced to an effective seven years in jail.

Buchner, who told the court he had done research on the ANC for eight of the 22 years he had worked at security headquarters, said that white ANC recruits probably numbered less than 1%, but had increased in the past three years.

He said recruits of the ANC's military wing, Umkhonto We Sizwe, were sent to any of nine training camps in Angola. The main one, Engineering Camp, was in Luanda. He named others such as Novo Katen-gue, Quibaxe, Fazenda and Viana, a transit camp.

Basic training included politics, handling of fire-arms and explosives, combat operations, codes and cultural training.

As the ANC had no direct access route to SA, members were usually flown to Lusaka after training and taken by road to Botswana through the Kazungula area. Then they were taken south, usually to Lobatse, where they would be escorted across the border to the nearest SA taxi rank, railway or bus station, he said.

He said ANC members who entered SA from Mozambique or Swaziland were trained in urban warfare and carried lighter weapons. Those who infiltrated SA through Botswana, as Pelser did, were normally armed with AK47 rifles.

He said that if Pelser had achieved the first four objectives he was given by the ANC — recruiting, setting up a support base and a communication system and gathering and transmitting information — he would most likely have been too valuable to the ANC to have been asked to become involved in violence.

The Natal Mercury, Wednesday, February 26,

ANC knows I'm here, says secret witness

Pietermaritzburg
Bureau

THE identity of a secret State witness in the treason trial here should be revealed as information possessed by the defence indicated that the African National Congress knew the identity of the witness, the Supreme Court heard yesterday.

Witness X, a former ANC cadre and prospective

South African policeman who may not be identified, said this during the trial of South African Allied Workers' Union leaders Richard Gqweta, 33, Sisa Njikaleni, 29, Sam Kikine, 36, and Suze Ngcobo, 36.

The witness said the ANC would not have given the defence information unless it knew that 'I'm testifying' and the significance of the information required.

Mr Clifford Mailer, for

the defence, told the Court the source of his information did not know the identity of Witness X.

Witness X said: 'The Press can go ahead and publish my identity as the ANC knows I am testifying.'

Earlier, the Court heard that the witness feared an attack from the ANC and had been given a gun by the police.

During cross-examination, Mr Mailer said that if necessary, he would get a statement from the ANC in Lesotho to show that the witness knew little about the workings of a department in the ANC which the witness claimed had links with Mr Gqweta and Mr Njikaleni.

The Court heard that Witness X had 'forgotten' the ANC's secret military name for Mr Njikaleni but said the code name for Mr Gqweta was 'Richard Miti'.

Mr Mailer pointed out that 'Miti' had been the name Mr Gqweta had been born with and the one he had used most of his life.

The witness admitted not to having known this information about Mr Gqweta.

The trial continues today.

De Jonge to be charged

CARE files
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Own Correspondent

JOHANNESBURG. — Dutch national Mr Klaas de Jonge and his Belgian former wife, Miss Helene Passtoors, are to be charged in the Rand Supreme Court, the office of the Attorney-General of the Witwatersrand said yesterday.

But Mr De Jonge is not expected to leave his hideout in the former Netherlands embassy in Pretoria tomorrow to face the terrorism

charge, diplomatic and legal sources said yesterday.

Mrs Passtoors will be charged with treason, alternatively terrorism, and a second count of terrorism, while Mr De Jonge will face only a terrorism charge.

The Attorney-General of the Witwatersrand, Mr Klaus von Lieres, said yesterday all charges are in terms of Section 54 (1) of the Internal Security Act.

He said he had no comment "whatsoever to make on possible speculation whether Mr De Jonge will be available to stand his trial or not".

It was unclear whether Mrs Passtoors was still being held in a psychiatric hospital where she was transferred last month after developing severe depression in the John Vorster Square police cells.

She has been in detention since June last year.

The lawyer for both Mr De Jonge and Mrs Passtoors, Ms Kathleen Satchwell, said yesterday she knew of no change in the Dutch Government's position not to hand over Mr De Jonge.

Ms Satchwell recently returned from Europe where she held talks with Dutch and Belgian officials and legal advisers.

Mr De Jonge became the focus of a diplomatic row between Pretoria and The Hague in July last year after police pulled him out of the then Dutch embassy into which he had escaped from police custody.

He allegedly tricked the policemen into taking him to the embassy while he was pointing out certain places during investigations.

He was returned to the embassy on July 19 after the Netherlands protested, threatening to break ties with South Africa.

Mr De Jonge has been on the premises ever since — even though the embassy later moved to new premises.

De Jonge is not likely to appear

DUTCH fugitive Klaas de Jonge is not expected to leave his Netherlands embassy sanctuary in Pretoria tomorrow to face a terrorism charge jointly with his Belgian former wife, Helene Passtoors.

If De Jonge fails to appear in the Johannesburg Magistrate's Court, the single charge of terrorism pending against him could be held over while Passtoors' trial proceeds to the Rand Supreme Court on April 14, legal sources said.

Passtoors will be charged with treason, alternatively terrorism, and a second count of terrorism, while De Jonge will face only a terrorism charge.

'Toti trial moved to Scottburgh

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Own Correspondent

STAR
27/2/86

DURBAN — The trial of the man charged with murdering the five people who died in the Amanzimtoti bomb blast was transferred to Scottburgh by a Durban judge today after an application by the State.

Mr Justice Didcott ordered that Mr Andrew Sibusiso Zondo (19) appear in the Supreme Court sitting in Scottburgh on March 17.

The reasons given by the State for wanting the trial transferred were that it would be in the interests of the security of Mr Zondo and members of the public, but the most important consideration was that there would be a free court available in Scottburgh on that date.

A composed Mr Zondo stood quietly in the dock while the judge explained to him that if his family did not wish to engage counsel, or if he did not intend defending himself, he was fully entitled to free legal representation.

Mr Justice Didcott assured Mr Zondo that counsel appointed for him would be independent and in no way connected to the police or Attorney-General's staff.

"Because this is a serious case, two advocates have indicated they are willing to act for you. The Bar Council has asked a very senior and experienced advocate, assisted by a junior, to act for you and they have said they will do so."

The judge assured Mr Zondo that he could trust both advocates to act in his interests.

Mr Zondo told the judge he understood fully what had been explained to him but that he first wished to speak to his family and find out from them if they would be able to employ the services of counsel. He said if they could not do so, he would have the counsel offered to him.

Mr Zondo has also been charged with the attempted murder of members of the public who were in the Sanlam shopping centre when the limpet mine exploded on December 23 last year.

Argus 27/2/86
**De Jonge
'won't be
forced from
his refuge'**

The Argus Correspondent
PRETORIA. — The Minister of Foreign Affairs, Mr Pik Botha, has said the South African authorities will not force Dutch Mr Klaas de Jonge from his Pretoria refuge to face terrorism charges.

Mr de Jonge — who took refuge in the old Dutch embassy premises on July 19 last year — is to be charged with terrorism under the Internal Security Act. His former wife, Helena Passtoors, will face a charge of treason, alternatively terrorism, under the same Act.

Mr Botha said it was up to Mr de Jonge or the Dutch Government to make the next move: "We will not act unilaterally".

He said South Africa would stick strictly to international law and would not enter the embassy premises to seize the suspected ANC gunrunner.

However, the Dutch Government was obliged by international law to hand him over for trial and it was hoped that this would be done.

Mr Botha said he had made this standpoint clear when he held talks in Geneva with Dutch Foreign Minister, Mr Hans van den Broek, recently.

Freedom songs carry message, court told

STAR 27/2/86 331
PIETERMARITZBURG — Freedom songs portray a message of "protest against injustice" and some of their words suggest different forms of protest to different people, a secret State witness said in the Pietermaritzburg treason trial yesterday.

The witness, who may not be identified, said the songs were symbolic and words such as "take up arms against Pretoria" meant oppressed people should show their opposition to oppression.

The witness was being cross-examined in the treason trial of four South African Allied Workers' Union leaders — Mr Thozamile Gqweta, Mr Sisa Njikelana, Mr Samuel Kikine and Mr Isaac Ngcobo.

The State alleged the singing of freedom songs at meetings was important "to inspire the people for revolution and to rally them".

Freedom songs were sung at all the meetings, of which videos and transcripts were provisionally handed in as evidence in the trial.

The accused allegedly addressed or attended these meetings.

The witness told the court that, because of different perceptions, people reacted differently to the meanings of songs and "taking up arms" did not only involve armed struggle.

At the start of yesterday's hearing, the defence counsel were again accused of revealing the identity of the witness to the African National Congress.

Defence advocates Mr Clifford Mailer and Mr Marino Moerane said they had been scrupulous about not revealing the identity of the witness. After a two-hour adjournment, the trial continued.

The witness also agreed to having mistaken the identity of a woman who he allegedly interviewed for recruitment to the ANC.

The hearing continues. — Sapa.

Court told of blacks' grievances

'Violence was not aim of civic body'

Staff Reporter

DELMAS — It was never the policy of the United Democratic Front or the Vaal Civic Association to overthrow the Government through violence, a former VCA chairman, the Rev Lord McCamel, said.

Mr McCamel was giving evidence in the Circuit Court in Delmas, where 22 men, including leaders of the UDF and VCA and members of Azapo, are accused of participating in a conspiracy to commit treason.

They have pleaded not guilty to charges of treason, subversion and murder.

Mr McCamel said during his time as its chairman, the VCA never received financial assistance or instructions from the African National Congress.

"There was never any communication between the two organisations, Mr McCamel said during cross-examination by counsel for the defence, Mr Arthur Chaskalson SC.

It would be untrue to say the mass meetings and house meetings organised by the VCA were aimed at stirring up violence in the Vaal triangle.

The VCA was established in late 1983, at the time of the referendum, when there was great dissatisfaction in the black community, because theirs was to be the only community which would have no representation at the highest level of the government.

The local authorities system made provision only for town councils, which would be powerless to do anything about the grievances of the black people, Mr McCamel said.

Their grievances included the pass laws, land ownership laws, the education system, laws dealing with black citizenship and the laws that excluded blacks from the right to vote for parliamentary representation.

"The law excluding blacks from the right to vote for Parliament is very bad, because this is our land and we are not permitted to have a say. If we had a say, some of those laws would be changed," Mr McCamel said.

The VCA campaign for a boycott of the town council elections was aimed at making the strongest objection to the new local authorities system, he said.

The trial continues today.

'Toti bomb: Zondo indicted

Cape Times 2-12/86 Own Correspondent 331

DURBAN. — The man accused of killing five people in the Amanzimtoti bomb blast at the Sanlam Shopping Centre on December 23 last year was indicted yesterday on five counts of murder and one of attempted murder.

Mr. Andrew Sibusiso Zondo, 19, was served with his notice for trial to appear in the Supreme Court, Durban, on March 17.

Mr Zondo will be held in custody.

Lekota did not attend funeral, defence claims

28/2/86 331

STAR

Staff Reporter

DELMAS — The publicity secretary of the United Democratic Front (UDF), Mr "Terror" Lekota, was not present at a funeral where the police claim he participated in a stone-throwing incident.

This was said yesterday at the Delmas trial, where Mr Lekota is one of 22 accused of treason.

A security policeman, Mr Adolf Branders, testified that on February 21 last year he was keeping watch on a funeral in Kroonstad.

When it was over and people began dispersing an incident erupted and policemen on the scene fired tearsmoke.

Mr Branders said he was watching the crowd with binoculars from a distance of about 200 m.

People began throwing stones. He saw Mr Lekota bend down to pick up a stone.

He said he was absolutely certain he saw Mr Lekota throw stones that day. It was not possible that he could be mistaken about the date.

He said he saw Mr Lekota again later that day, when he was brought to the police station by uniformed policemen.

But during cross-examination, counsel for the defence, Mr George Bizos, SC, said Mr Lekota had

been at only one funeral at Kroonstad in February last year — and that was on February 18.

He showed Mr Branders a report which was published in *The Star* on February 19 1985.

The report said Mr Lekota had been arrested the previous day during a funeral where "scores" of people were injured.

Earlier yesterday, the Rev Lord Eldorado Righteousness McCamel testified that the events of September 3 1984 in the Vaal Triangle, in which people were killed and property damaged, would never have taken place if the police had not confronted people participating in a protest march.

He said the march was meant to be a peaceful one and the news of killings and damage to property came as a shock and a surprise to him.

From the start he had been reluctant to participate in the march, because he had feared that there might be a confrontation with the police.

"What I had in mind was that in most cases the people walk peacefully, like at a funeral, and when they meet policemen the police provoke them and there is a confrontation," said Mr McCamel.

The case continues today.

Treason trial witness tells of Mandela's popularity

MARITZBURG — Nelson Mandela is the most popular leader in South Africa, a secret State witness said in the treason trial of four union leaders yesterday.

Mandela is popular among the people living in South Africa and the fighting forces outside South Africa, "not because he chose armed struggle as a last resort, but because he has sacrificed so much for the cause," the witness said.

The witness, a former member of the ANC, said songs were sung about people such as Mandela and the late Albert Luthuli to "popularise their cause".

Giving evidence in the trial of four South African Allied Workers' Union leaders, Mr Thozamile Gqweta, Mr Sisa Njikelana, Mr Samuel Kikine and Mr Isaac Ngcobo, the witness was cross-examined on the use of freedom songs.

"Another thing that has made Nelson Mandela so popular is that he is not a racist," the witness said.

Freedom songs were important tools used to portray an organisation's political and military line.

At the start of the witness' cross-examination this week, the court heard that although the witness does not have a licence for a firearm, a police firearm had been issued to the witness for "protection".

"I have applied to become a member of the South African Police because I have to defend myself," the witness said.

The court heard that the witness, who alleged that the Commissioner of Police knew about the arrangement with the firearm, had signed a written agreement to work with Security Police on certain conditions.

The trial was postponed to March 4.
— Sapa.

THE Delmas trial in which 22 people are charged with high treason, heard yesterday that before a Sebokeng councillor, Mr. Caesar Motjeane, was murdered by an angry mob on September 3, 1984, shots had been fired from inside his house.

A witness, who may not be identified, told the court that when the shooting took place people had scattered in different directions.

Three of the accused, Mr. Genimuza Malindi (25), Mr. Simon Nkoli (25) and Mr. Oupa Hlo-

Court told of rumour

By NKOPANE MAKOBANE

muka (32), were among the crowd which stood by and watched as Mr. Motjeane was dragged from his house, assaulted and later killed, Mr. X said.

Murder

Mr. X was testifying before Mr. Justice K. V. van Dijkhorst and two assessors in the Delmas Circuit Court. The 22 accused, most of them from the Vaal

1. allege, have pleaded not guilty to the main treason charge, alternatively murder, subversion and terrorism.

During cross-examination, Mr. George Bizos, SC, said evidence will be that that morning even long before the march from Small Farms Catholic Church in Evaton had started, there was trouble at Mr. Mot-

jeane's place. Mr. Bizos said people in his (Motjeane's) neighbourhood were up in arms because of a rumour that he had shot a child. The police had also visited the area and this had excited the people.

Earlier, Mr. X told the court that when the rent protesters, on a march to the Sebokeng offices,

went past Mr. Motjeane's house in Zone 11, Sebokeng, a person who was not part of the march had shouted: "There is a dog!" Some of the marchers then rushed in the direction he pointed.

Hate

Asked by the court what it meant when one is called a "dog" he said it is an expression used when someone refers to something he hates.

He said when he heard the derogatory word he understood that something was about to happen.

In the Vaal townships, he added, the word was used to refer to councillors.

Mr. Bizos put it to the witness that the three accused will deny that they were in the vicinity of Mr. Motjeane's house when he was killed. He said the witness

had the tendency to place Mr. Malindi and Mr. Nkoli at places they were not. He said the march that morning had gone past the other councillors' houses where nothing happened.

The witness had earlier said Mr. Esau Radesela, vice-chairman of the Vaal Civic Association, said that they should kill councillors, destroy their property and that of the policemen and also that of the Vaal Transport Co-operation. (Proceeding)

(32)

SOWETAN 12/2/86

Delmas trial told of call to kill councillors

'MANTHATA TORE RENT NOTICE'

MR TOM Madikoe Manthata (45), a Soweto Civic Association member and field worker for the South African Council of Churches, told a meeting in Sharpeville that councillors had to be killed because they refused to resign, the Delmas treason trial heard yesterday.

The court also heard that Mr Manthata, in his speech, interrupted by shouts of "Amandla", said councillors had to be stoned until they died and then set alight.

He also called for a boycott of their businesses, the court was told.

Mr Manthata allegedly said this on August 19, 1984 — 13 days before unrest broke out in the Vaal Triangle.

Sergeant Thulo Ronald Koaho, attached to the Vereeging Security Police was testifying in the trial of 22 people, most of them from Sebokeng, in the Delmas Circuit Court.

They have all pleaded not guilty before Mr Justice K van Dijkhorst and two assessors to a charge of treason, alternatively subversion, murder and terrorism.

Yesterday the public was allowed to hear the proceedings after Mr George Bizos, SC, had ended his cross-examination on a witness who had given evidence for the past eight days.

Incited

Sgt Koaho said he had attended the meeting at St Cyprian's Anglican Church where some of the accused incited those present. He said he was accompanied by two people, one a colleague, a Mr Letshele, who has since died.

He said the accused present at the meeting were Mr Manthata; the Rev Tebogo Moselane (39), St Cyprians parish

By NKOPANE
MAKOBANE

priest; Mr Oupa Hlomuka (32) and Azanian People's Organisation member in the Vaal, Mr Patrick Mabunya Baleka (25), an Azapo member from Soweto; and Mr Mohapi Lazarus More (25), an Azapo member in the Vaal.

He said the meeting had not started when he arrived.

There was a banner on stage with the words "Away with councillors. No more rent hike", Sgt Koaho said.

Mr Moselane had opened the meeting with a prayer and read from the Bible. He compared the Israelites and the Egyptians with residents and councillors, respectively and said the latter were oppressing the people.

Sgt Koaho said Mr Manthata then told the

crowd that they had power but did not know how to use it. The policeman said the crowd shouted "Amandla" when Mr Manthata took out a rent increase notice and tore it saying the notice was "good to be burnt".

Mr Manthata then said they should kill councillors because they did not want to resign or reduce rent.

The following speaker, Mr Hlomuka, appealed to people to boycott councillors' shops and taxis.

Trial enters 5th week

THE Delmas treason trial in which 22 people are charged with high treason, alternatively subversion, terrorism and murder, resumes today after being adjourned last Thursday.

The marathon trial is expected to last for about a year. More than 200 State witnesses are expected to be called.

The hearing will be entering its fifth week.

It is being heard before Mr Justice K van Dijkhorst, assisted by two assessors, Professor W A Joubert of the University of South Africa (Unisa) and Mr W F Krussel.

The defence team is led by Mr George Bizos, SC, assisted by Mr Karel Tip while the prosecution is led by Transvaal Deputy Attorney-General, Mr P B Jacobs, assisted by Mr P H A Fick and Mr W J J Hanekom.

The charges arise from the unrest which broke out in the Vaal

Triangle in September 1984.

Among the allegations are that the UDF allied itself with the banned African National Congress and the outlawed South Africa Communist Party (SACP) to overthrow the existing order by violence and to encourage the black masses to rise up in bloody revolution.

So far seven witnesses have given evidence. Two of the three who testified in camera to

protect their identities, were former ANC members. Mr Bizos is to continue his cross-examination of Sergeant Thulo Ronald Koaho of the Vereeniging Security Branch today.

The 22 accused are UDF publicity secretary, Mr Patrick "Terror" Lekota (37) of Claremont, Durban; UDF general secretary, Mr Popo Simon Molefe (33) of Soweto, Sharpeville Anglican priest Rev Geoffrey Tebogo Moselane (39), former UDF secretary for the Transvaal, Mr Moses Chikane (37) of Mamelodi, Azanian National Youth Union (Azanyu) member, Mr Patrick Mabunya Baleka (25) of Soweto, Azapo member, Mr Oupa Hlomuka (32) of Sebokeng, Azapo member Mr Lazarus Mohapi More (25) of Sebokeng.

Vaal Information service member and Rhodes Black Students' Society member, Mr Thabiso Ratsomo

(27) of Sebokeng, Vaal Civic Association member Mr Gcinumuzi Malindi (25) of Sebokeng, Evaton Ratepayers' Association secretary Petrus Mokoena (47), VCA executive member Mr Tsietse Mphuti (48) of Sebokeng, Mr Naphtali Mbuti Nkopane (40) of Sebokeng, Mr Ephraim Tebello Ramakgula (35) of Sebokeng, educator with the Urban Training Project, Mr Bavumile Herbert Vilakazi (30) of Sebokeng, VCA executive member, Mr John Sekwati Mokoena (33) of Boipatong, former Congress of South African Students member, Mr Mkhambi Amos Malindi (20) of Sebokeng.

Former Cosas member and Institute of Race Relations workers, Mr Simon Tseko Nkoli (25) of Sebokeng, Mr Pelamotse Jerry Thopane (27) of Sebokeng, Mr Jacob Serame Hlanyane (37) of Sebokeng, Soweto Civic Association member and worker for the South African Council of Churches, Mr Thomas Madikwe Manthata (45), VCA executive member, Mr Hlabeng Sam Matlole (61) of Sebokeng and Mr Maxala Simon Vilakazi (24) of Sebokeng.

18/2/86

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SOWETAN

DO NOT REED

Treason trial resumes after adjournment

Staff Reporter

DELMAS — The treason trial in the Delmas Circuit Court continues after the hearing adjourned yesterday to allow the defence counsel to take instruction on evidence given by a protected witness.

Mr X, who may not be identified, was giving evidence in camera at the trial of 22 members of the United Democratic Front (UDF), the Vaal Civic Association (VCA) and the Azanian People's Organisation (Azapo).

The men, some of whom have been in detention and awaiting trial for up to 17 months, pleaded not guilty to charges of high treason and alternative charges of terrorism, subversion and murder.

During the proceedings, Mr George Bizos SC objected to "leading questions" put to the witness by Mr P B Jacobs, appearing for the State.

MASS MEETING

The court heard that on September 3 1984 a crowd — stretching a distance of about 500 m — left a meeting to march to the Sebokeng Development Board offices.

The meeting, which followed a mass meeting held the previous day, was addressed by vice-chairman of the VCA, Mr Esau Raditsela.

The crowd allegedly received instructions to destroy the property of the police, of councillors and the administration boards.

Mr X said Mr Raditsela told him to control people to walk in the street and not on the pavements.

In reply to a question whether the march stirred spectators, he said people were drawn from their properties to join the march. Some were forced to join, others joined freely, he said.

He said he regarded Mr Raditsela, Mr Simon Tseko Nkodi (25), Mr Hlabeng Sam Motlale (61), Azapo executive member Mr Oupa Hlomuka (32), and Mr Naphtali Mbuti Nkopane (40) as the leaders of the march as they were among those in the front.

Mr Raditsela was wearing a green, yellow and black shirt — "the colours of the ANC," he said.

A group of people separated from the march and damaged a ticket office of the Vaal Transport Company.

Mr X said he did not see Mr Gcinumuzi Petrus Malindi at the scene. He could not testify whether Mr Hlomuka, Mr Mkopane, Mr Nkodi or Mr Matlale knew what was happening.

While watching this incident, he said he heard someone shout: "There's a dog! This is the dog's property!"

A house, belonging to Lekoa town councillor Mr Caesar Motjeane, was besieged with stones. Shots were fired from the house. A man was brought from the house and stabbed, he said.

"Someone told me not to feel sorry for the way the man died — or I may follow him," he said.

He alleged that Mr Malindi and Mr Nkodi were standing near the fence of a neighbouring property during the incident. Mr Hlomuka was sitting on a property, directly opposite the councillor's house, he said.

The march continued to Zone 8, until the crowd was confronted by police.

(Proceeding).

Court told of Azapo cassette

A WITNESS told the Dèlmas treason trial yesterday that one of the accused, Mr Oupa Hlomuka (32), played him a cassette tape recording of two Azanian People's

Organisation executives being interviewed by Radio Freedom.

The witness, who may not be identified, said in April, 1983 he listened to the tape for about 10

minutes, during which Mr Lybon Mabasa, then Azapo president and Mr Saths Cooper, his deputy, discussed their organisation's operation in South Africa.

He also said the two had been asked if Azapo operated freely or experienced difficulties. Mr Mabasa, he said, had also told the interviewer that they are bound to operate within the country, so that when freedom comes they must be in South Africa.

Mr X was testifying in the trial of 22 people, most of them from the

Vaal Triangle. They have pleaded not guilty before Mr Justice K van Dijkhorst and two assessors to a charge of high treason, alternatively terrorism, murder and subversion. Proceedings are being held in camera.

During cross-examination, Mr George Bizos, SC, for the defence, said evidence will be that Mr Mabasa and Mr Cooper had only had one interview, and this was on Capital Radio in October, 1983. He handed in an extract dated October 9, 1983, from the *Sunday Tribune* about the interview.

(Proceeding)

GOLDEN ADDS

Mr X tells of church meeting

A WITNESS yesterday told Mr Justice K van Dijkhorst and two assessors in the Delmas Circuit Court that one of the people accused of treason had told residents at a Vaal meeting to kill councillors and destroy their property.

Mr X, giving evidence behind closed doors, said that on the morning of September 3, 1984, Mr Esau Raditsela, vice-chairman of the Vaal Civic Association, had instructed people at a meeting at the Small Farms Catholic Church, Evaton, to go and kill the chairman of the Lekoa Town Council, Mr Esau Mahlatsi, and his brother, to destroy the property of councillors, of policemen and that of the Vaal Transport Company (VTC).

Twenty-two members of the United Democratic Front (UDF), the Vaal Civic Association and the Azanian People's Organisation (Azapo) have pleaded not guilty to charges of high treason, alternatively terrorism, murder and subversion.

The court ruled that the witness give evidence in camera and that his identity not be disclosed to the public.

The court heard that some of the guest speakers at meetings in the Vaal were from Soweto and among them were Dr Nthato Motlana, president of the Soweto Civic Association, Mr Khehla Mthembu of Azapo, Mr Curtis Nkondo, of the National Education Union of South Africa, and Mr Elliot Shabangu of the Soweto Civic Association.

Mr X told the court that on October 9, 1983, he attended a meeting where the VCA was formed in Zone

5/2/86 (33) SOWETO
12, Sebokeng. He said some of the accused who were present were Mr Simon Nkotli (25), Mr Petros Malindi (25), Mr Jerry Tlhophane (27) and Mr Thabiso Ratsomo (27).

The following people were elected to the interim committee of the VCA: the Rev Lord McCamel (chairman), Mr Esau Raditsela (vice-chairman), Mr Johnny Motiti (secretary), Mr Mike Chaka (vice-secretary) and Mr Ratsomo (treasurer). Mr Bavumile Herbert Vilakazi (30) was elected as a representative for Zone 3, Sebokeng.

He said Dr Motlana had told the meeting that he was happy that the people in the Vaal were now on their feet and had formed an organisation that would represent the community.

Mr X said at another meeting, on November 25, 1983, Mr Nkondo had addressed residents on education. He had told the crowd not to be like other organisations that rejected whites. Mr Nkondo said they had to accept whites and use them to kill their fellow whites, just like blacks were being used to kill their own people.

On September 2, 1984, the day before unrest broke out in the Vaal, a meeting was held at St Cyprian's Anglican Church in Sharpeville. At this meeting, the parish priest, the Rev Tebogo Moselane, an accused, said it was time that the mayor, Mr Esau Mahlatsi, and his councillors, were shown that for a long time they had played on top of people's heads and that they had now arrived at the last station.

(Proceeding)

Evidence of incitement challenged

Staff Reporter

331

Feb. 1986

DELMAS — A security policeman giving evidence at the treason trial in Delmas was challenged yesterday on his evidence that, before unrest broke out in the Vaal Triangle in 1984, one of the accused told a meeting in Sharpeville to "kill and burn community councillors".

Sergeant Thulo Koaho said he attended a meeting at St Cyprian's Anglican Church in Sharpeville on August 19 1984. The meeting was addressed by the Rev Tebogo Moselane (whose church it was), Mr Patrick Mabuya Baleka, Mr Lazarus Mohapi More, Mr Oupa Hlomoka and Mr Tom Manthata, of those who are on trial.

All of the accused — 22 members of the United Democratic Front, the Azanian People's Organisation and the Vaal Civic Association, have pleaded not guilty to charges of high treason and alternative charges of subversion and murder.

Sergeant Koaho said he heard Mr Tom Manthata, a member of the Soweto Civic Association and a field worker for the South African Council of Churches, incite those present to kill community councillors.

FOLLOWING DAY

He said that, because he did not hear any time mentioned for the killing of the councillors, he did not report what Mr Manthata had

said until the following day.

Mr George Bizos, SC, for the defence, asked: "If a crowd of 1 000 people were incited to murder councillors would a responsible police officer not see it as his duty to raise a hue and cry?"

Sergeant Koaho agreed it was his duty to do so in such circumstances but said he had "other things to do" about which he could not tell the court as they concerned the security of the State.

Mr Bizos put it to the sergeant that, if he had been so shocked by the incitement to kill the councillors, he would have rushed to his superiors so that immediate action could be taken to protect the councillors and their property.

The hearing continues.

Police need scapegoat - defence

Treason trial told of 'call to kill'

STAR 14/2/86
331

Staff Reporter

DELMAS — A policeman giving evidence at the treason trial here said he saw Mr Tom Manthata, a member of the Soweto Civic Association and worker with the South African Council of Churches, tell an audience "it is time to kill the town councillors because they don't want to resign".

Sergeant Thulo Ronald Koaho, of the Vereeniging Security Branch, said he went to a meeting at the Sharpeville Anglican Church on August 19 1984. He said he saw accused Reverend Tebego Geoffrey Moselane (whose church it was), Mr Tom Manthata, Mr Patrick Mabuya Baleka and Mr Lazarus Mohapi More address the meeting.

The accused, 22 members of the United Democratic Front, the Azanian People's Organisation and the Vaal Civic Association, have all pleaded not guilty to charges of high treason, subversion and six counts of murder.

Sergeant Koaho said he saw banners on the stage saying "Away with councillors" and "No more rent hikes".

Mr Moselane drew a comparison between the oppression the Jews were put through by the Egyptians and "the oppression of black people by town councillors", said Sergeant Koaho.

He then introduced Mr Manthata, who started off telling the packed hall black people oppressed each other.

Mr Manthata told the people they

had the power to make the councillors resign, but they did not know how to use it, said the policeman.

He then held up a piece of paper, which Sergeant Koaho said was a notice of rental increase, and then tore it up, saying that he "might as well burn it".

After telling the people not to buy any goods from businesses owned by the councillors, he said: "Now it's time to kill the councillors, because they don't want to resign. Attack them with stones and then burn them", Sergeant Koaho said.

Mr George Bizos (SC), for the defence, denied Mr Manthata had said such a thing and said Sergeant Koaho had deliberately been trying to discredit Mr Manthata and the associations with which he was linked. He pointed out that Mr Manthata had only been arrested six months after the statements attributed to him by Sergeant Koaho, who only signed a statement about what Mr Manthata said two months later on October 20.

Mr Bizos said Sergeant Koaho's story had been conceived and elaborated only after he knew about the "unfortunate deaths that took place in the area after September 3" and he, or his superiors, had to look for a scapegoat.

The trial, before Mr Justice K van Dijkhorst and two assessors, will resume on Tuesday.

Mr X IS AT IT AGAIN

CITY P.
331
23/2/86

CP Correspondent
MYSTERY witness Mr X — who has just testified at the Delmas treason trial — turned up to give State evidence at the Maritzburg treason trial this week.

The witness — who says he is a former ANC cadre, and can only be identified as X — told the court he'd seen one of the accused, Thozamile Richard Gqweta, in an ANC house in Lesotho.

He said files containing details of Gqweta and another accused, Sisa Njikelana, were among the personal files kept by the ANC in 1984.



GQWETA

Gqweta and Njikelana were "contact persons" of a suborgan of the ANC — the exiled SA Congress of Trade Unions — X said.

Gqweta, Njikelana, Sam Kikine and Isaac Ngcobo — all executive members of the SA Allied Workers' Union — face charges of high treason.

X told Judge Milne he saw Gqweta in an ANC house in Maseru. X said he knew Gqweta "well".

The witness recognised a photograph of Gqweta, Njikelana, Sactu treasurer Kingdom Sono and two other women which was shown to the court.

The court was told X had seen the photograph in Lesotho.

X also claimed to have seen an SA passport with Gqweta's photograph and the name Richard Miti.

The witness said: "The name Miti was the one he used in Lesotho."

"I would say it was his Umkhonto weSizwe name as whatever was said about him was put in Richard Miti's file."

X told the court the ANC military intelligence had files on Gqweta and Njikelana which it got from Sactu.

It was general knowledge in Lesotho that Sactu and Saawu had dealings with each other and that Saawu members regularly approached Sactu for assistance, X said.

X, who said he was responsible for filing security documents at ANC premises in Lesotho, said ANC and Sactu files were kept at the same centre under a special coding system.

There were codes for recruits, contacts and senior or ordinary operatives.

Gqweta and Njikelana were coded as Sactu contact people.

The court heard X say he had worked for the ANC in Lesotho until he was arrested in South Africa.

February 22 1986

news

Evidence of 'kill' calls in church

22/2/86 331 STAR

By Andrew Beattie

DELMAS — A State witness told the treason hearing in Delmas that he heard an unidentified thick-set woman tell a church meeting in Sharpeville to "burn anyone who buys goods from the businesses of community councillors".

Witness No 9, as he is termed, was giving evidence at the trial of 22 members of the United Democratic Front, the Azanian People's Organisation and the Vaal Civic Association. They have all pleaded not guilty to charges of high treason, subversion and murder. All have been refused bail.

The witness, who said he was a "known political commentator", may not be identified. He testified in camera. He said he attended a meeting, said by the defence to have been called to protest against increased town-

ship rents, at St Cyprian's Anglican Church in Sharpeville.

There a resolution was accepted to boycott the shops of community councillors. One of the speakers, Mr Tom Manthata, a member of the Soweto Civic Association and a field worker for the South African Council of Churches, told the gathering to "kill and burn the councillors", said Witness No 9.

VIOLENCE DENIAL

After that, a "thick-set" woman told them that anyone who bought goods from businesses owned by the councillors must be publicly burnt, he said.

Asked by Mr George Bizos SC (for the defence) if he was shocked by these calls to violence being made in a church, the witness said: "Very few things shock me these days. I know my people. They sometimes say things when they are

taken up by their feelings. I didn't take it as something that would occur."

"As a political commentator, or even as an ordinary citizen, your evidence on this point just does not make sense," said Mr Bizos, who has stated that the defence denies that calls to violence were made.

He asked for an early adjournment yesterday so that the defence could establish certain details about the witness's identity. Mr Bizos put it to him that he was not being truthful about his stated occupation, or to whom he reported his information.

This request was granted by Mr Justice Kees van Dijkhorst after he said that investigation of such "collateral issues" was likely to drag out the proceedings even longer than already expected.

The trial continues.

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Councillors threatened with death — police

331

STAR

20/2/86

Staff Reporter

DELMAS — A member of the Azanian National Youth Unity (Azanyu) told a church gathering "we will get the dogs", a reference to community councillors, a police witness told a treason trial in Delmas yesterday.

Sergeant Thulo Koaho, a security policeman from Sebokeng, said he attended a meeting at St Cyprrian's Anglican Church in Sharpeville on August 19 1984. He said he and two other men, one of

whom was also a policeman, (the other may not be identified) sat at the back of the hall.

He told of a call to "kill and burn the community councillors because they had increased the rents in the townships", allegedly made by speakers at the meeting.

DENY

Sergeant Koaho testified that Azanyu member Mr Patrick Mabaya Baleka, of Soweto, said if township rents were increased "then Mahlatsi (the mayor of

Lekoa, Mr Esau Mahlatsi) is the one who is going to pay". He said "we will get the dogs", said Sergeant Koaho.

Advocate Mr George Bizos SC, for the defence, said Mr Baleka would deny this and that he had called on pupils to demand SRCs as alleged by Sergeant Koaho.

Earlier Sergeant Koaho said Mr Oupa Hlomoka had called on the meeting to boycott shops owned by councillors. Mr Bizos said it was "incongruous" for Mr Hlomoka to call for a boycott of their shops if the gathering had just enthusiastically endorsed a call to kill the councillors and destroy their property, as alleged by Sergeant Koaho.

The court granted a request by the prosecution not to identify the person who went to the meeting with Sergeant Koaho, who then gave evidence.

He said he and the other two men sat near the front of the hall. He also testified that Mr Tom Manthata and an unidentified woman called on the people at the meeting to kill and burn the councillors.

Three of the accused, Mr Mohapi Lazarus More, Mr Naphtali Mbuti Nkopane and Mr Hlabeng Sam Matlole were not in court yesterday as they are in hospital.
(Proceeding.)

Judge rules on McCamel evidence

By NKOPANE
MAKOBANE

THE Delmas treason trial judge, Mr Justice Kees van Dijkhorst, yesterday turned down the State's application for evidence of a witness, the Rev Lord McCamel, chairman of the Vaal Civic Association, to be heard in camera.

Mr McCamel started testifying yesterday afternoon.

The court adjourned shortly afterwards and Mr McCamel immediately greeted and smiled at the accused.

Mr McCamel told the court that before the inaugural meeting of the VCA on October 9, 1983, he was approached by Mr Esau Raditsela — vice-chairman of the VCA who has now left the country — to be master of ceremonies.

He said Mr Raditsela told him there were many grievances in the community that needed to be redressed.

Mr Raditsela, he said,

told him the United Democratic Front helped the Vaal Action Committee (VAC) — an organisation he did not know at the time — with pamphlets because it had no money.

Mr Raditsela also told him the VAC got advice from the Soweto Civic Association (SCA).

Mr McCamel said SCA members Mr Raditsela mentioned to him were Dr Nthato Motlana, Mr Curtis Nkondo and a Mr Kgasago.

He said on October 8, 1983, Mr Raditsela and Mr Nkondo came to him to prepare a programme.

They then went to Mr Raditsela's house and present there were Mr Thabiso Ratsomo (27), an accused, Ms Edith Letlake and Mrs Dorcas Raditsela.

He said although they discussed the programme, it was not drawn up because some of the invited speakers did not respond.

(Proceeding)

'Killings came as a shock'

COURT TOLD OF MARCH

THE vice-chairman of the Vaal Civic Association, the Rev Lord McCamel, told the Delmas treason trial yesterday that he approved when he was told that there would be a rent protest march by residents on September 3, 1984.

Mr McCamel, a State witness, was testifying in the trial of 22 members of the VCA, United Democratic Front, and the Azanian People's Organisation. They have pleaded not guilty

SOWETAN Reporter

SOWETAN
to a charge of high treason alternatively murder, subversion and terrorism. (33) 28

Mr McCamel said his vice-chairman, Mr Esau Raditsela — who has now left the country had come to him two days before the disturbances in the Vaal townships and invited him to a meeting at the Roman Catholic Church in Small Farms, Evaton,

on September 2, 1984.

During their discussions, Mr McCamel said, he told Mr Raditsela that the march was likely to be confronted by the police, despite Mr Raditsela's assurances that it would be peaceful. 28280

He had asked Mr Raditsela if councillors would be present at the Sebokeng offices where the march would be heading. He replied that if they (councillors) did not respond, "Ha-ba-shwe" (meaning let them die).

Questioned by Mr Arthur Chaskalson, SC, for the defence it the words could have meant "go to hell", Mr McCamel agreed. He added that he did not understand the words to mean that councillors should be killed and had that been the case, he would have reprimanded Mr Raditsela.

"What happened on September 3, 1984, came as a shock and surprise to me. If I had found that the killings were planned, I would not have had anything to do with Mr Raditsela," he said.

Asked by the judge, Mr Justice K van Dijkhorst, what was the literal meaning of the words "ha ba shwe," Mr McCamel said they meant death. However, he added, they could also mean "go to hell".

Mr McCamel also told the court that on September 3 an accused, Mr Tom Manthata, a field worker with the South African Council of Churches, had come to see him saying he was sent by Bishop Desmond Tutu, then general secretary of the SACC, to find about events in the area, following a radio report.

The bishop had wanted to know if he could offer any assistance.

Threat to kill - witness

BY NKOPANE MAKOBANE

A THREAT to kill people who defied a call to boycott councillors' businesses was not taken seriously by a witness, the Delmas treason trial heard on Friday.

The threat was allegedly made at a rent protest meeting in Sharpeville.

The witness, who may not be identified, also told Mr Justice K van Dijkhorst that he did not think the threat would be carried out because "black people sometimes say things when they are carried away by their feelings".

This evidence emerged during cross-examination of the witness by Mr George Bizos, SC, for the defence.

The witness earlier

told the court that a stoutly built woman had warned people at the meeting at St Cyprian's Anglican Church in Sharpeville on August 19, 1984 that:

Mr Bizos had asked the witness why had he not taken the woman's name after her shocking threat to kill.

'Burn'

"Should I see you enter a councillor's shop, should I see you buy petrol from a councillor's garage or anything from a councillor, we will burn you, stone

words did not mean much to me."

The witness said after the woman's speech there was noise in the church hall.

Anxious

He was asked if he had not been anxious to see how a minister of religion who allows his church to be used for such meetings, had reacted to the speech.

The witness said speeches at the meeting had raised feelings and there was no need for

him to focus his attention on the Rev Tebogo Moselane, one of the accused.

Earlier, the witness conceded that what he told the court that Mr Patrick Baleka, an accused, said at the meeting, was in conflict with a report dated August 21, 1984 written by Mr Joshua Raboroko in The SOWETAN.

He said his confidence was not shaken by the report nor admissions made by an earlier witness, Sergeant Ronald Koaho, on certain aspects of the report.

"I stand by my words," he said.

Most of the witnesses' evidence since he

ever, maintained that what he told the court is what happened at the meeting.

started testifying last Wednesday was related to his job. This evidence cannot be published because it will reveal the witness's identity.

Mr van Dijkhorst is on the Bench. He is assisted by Mr W F Krugel and Professor W A Joubert. The State is represented by Advocates P B Jacobs, P Fick and W Hanekom. The defence is led by Mr Bizos assisted by Advocate Z M Yacoub.

The trial continues today.

SNAP-A-CRACKER WITH EVERY PURCHASE AND

WIN A PRIZE



Klaas de Jonge ... learning Zulu.

Day in the bleak life of a fugitive

W/KA 1/3/86 (331)

Weekend Argus Correspondent

PRETORIA. — South Africa's best-known fugitive, Mr Klaas de Jonge, spends his days in his diplomatic bolthole writing, preparing his legal defence ... and learning to speak Zulu.

If the South African authorities had their way, he would have appeared in the dock in Johannesburg this week on a terrorism charge — alongside his former wife, Mrs Helena Pastoors, who is facing similar charges.

But the Dutch Government, which is sheltering him in what used to be their embassy in Pretoria, is having none of it. They have proposed that he be tried on arms smuggling charges in the Netherlands or, alternatively, that he serve whatever sentence a South African court should hand down in Holland.

Both have been rejected. So the seven-month-plus stalemate continues. And Mr de Jonge sits it out in a single room on the second floor of the Nedbank Building while a political settlement is sought.

Escape from custody

The Minister of Foreign Affairs, Mr Pik Botha, has reiterated the Government's promise not to jeopardise these efforts by storming the buildings.

The South African authorities made amends for violating Dutch diplomatic immunity last July 19 by returning Mr de Jonge to the embassy after police had seized him when he made a successful, albeit brief, escape from their custody 10 days earlier.

Plain-clothed members of the police special task force — men equally at home with aqua-lungs on their backs, dangling from parachutes or abseiling down skyscrapers — patrol the corridors of the building and its foyer.

Movements of all people in and out — including the Dutch Embassy's political and economic staff who keep Mr de Jonge company by day — are reported by radio to a command post.

Wire is strung around the windows of Mr de Jonge's "suite". Steel grilles have been welded over the air-conditioning ducts into the building.

Hunched over desk

The only way out for Mr de Jonge is the fire escape and the barred main entrance to the Dutch office — both of which are guarded day and night by policemen.

Mr de Jonge spends most of his daytime hours behind a typewriter. Other occupants of the building can see him hunched over a desk.

For the rest, he exercises, reads, watches television and works on a correspondence course in Zulu.

At night, he is guarded by two Dutch military policemen. The policemen are rotated from Holland every six or seven weeks. They are there to relieve the Dutch Embassy staff from having to spend the night at the former mission.

Press-trial verdict in April

PORT ELIZABETH. — Verdict was postponed in the Magistrate's Court here yesterday in the trial of the editor of the Eastern Province Herald, Mr J C Viviers, and a reporter, Miss Juliette Saunders.

They are alleged to have infringed Section 27(b) of Act 7 of 1958 (the Police Act) which makes it an offence to publish untruths about police action without having reasonable grounds for believing the information to be true.

The charges relate to reporting incidents after the funeral of an unrest victim in Tanytown, on November 9, 1984. A third accused, Miss Jennifer Hyman, said to have co-authored the article, paid an admission-of-guilt fine.

The statements alleged to be untrue were that police were seen to:

- Use sjamboks and confiscate Azapo and Azasm banners.
- Fire tear smoke, rubber bullets and bird-shot at a crowd.

Contradictory

In his argument, Mr H van der Walt, for the State, submitted that evidence by three police witnesses showed that the allegations that a sneeze machine had been used and that after the funeral, the police, without provocation or reason, moved down from the ridge and fired teargas and rubber bullets at funeral-goers, were untrue.

If anything, the contradictory evidence by two defence witnesses (proved to be untruthful under cross-examination) backed the State case.

The relevant section of the Police Act placed onus on the accused to prove they had reasonable grounds to believe the evidence true.

No evidence was led by the defence to discharge this onus.

The editor had also known that his staff were preparing copy concerning the incident.

The State submitted he acted negligently in

designating his responsibility to subordinates.

Mr M Hannon, SC, for the defence, asked the court to bear in mind the difficulties facing a newspaper in bringing information to the public, such as working to deadlines, gathering news and having to rely on eyewitnesses.

The act concerned, he submitted, was "meant to guard against conveying to ordinary readers major untruths masquerading as facts about police behaviour".

The average reader, he submitted, did not analyse and dissect a newspaper report, looking for nuances and subtle implications and the reasonable reader would not regard a newspaper as "a bible".

The sinister connotation sought by the State was not the only inference to be drawn from the report, as its heading referred to a mob — implying justification of police action.

'State's onus'

Reporting and acknowledging eyewitness accounts did not mean that the paper alleged the accounts to be true.

The defence submitted the onus was on the State to prove that the allegations contained in the report were untrue. It led no evidence about the alleged confiscation of banners or use of sjamboks.

Regarding the sneeze machine the State failed to establish that the author of the report did not have reasonable grounds for believing it to have been used.

Further, there were material differences in the evidence of three State witnesses.

Mr Hannon submitted that Mr Viviers was not the author of, or responsible for, the report and he became aware of it only after its publication. Therefore, he could not have partaken in, or prevented, the alleged offence and had delegated responsibility to reliable, experienced subordinates.

Verdict will be passed on April 15. — Sapa

Passtoors in court

CHIEF TUGS
4/3/86
331

JOHANNESBURG. — Mrs Helené Therese Judith Marie Passtoors, former wife of fugitive Mr Klaas de Jonge, appeared in the Magistrate's Court here yesterday in connection with charges of terrorism and treason.

She was served with an indictment containing allegations which will go to trial in the Supreme Court, Johannesburg, on April 12.

The 44-year-old Mrs Passtoors was remanded till March 14 when she will appear to the Magistrate's Court for bail.

The indictment charges Mrs Passtoors with treason, alternatively terrorism in contravention of Section 54 (1) of the Internal Security Act.

A second charge of terrorism is alleged.

Among the State's allegations were that Mrs Passtoors carried out reconnaissance work for the banned African National Congress, that she established arms caches in the Republic for use by the ANC and that she observed the strategic oil pipeline from Johannesburg to the coast.

The State also alleged she supplied Mr De Jonge with information.

Mr De Jonge, 49, who is charged with terrorism in the same indictment, remains under the diplomatic protection of the Netherlands Embassy in Pretoria.

Mrs Passtoors's attorney, Miss Kathy Sachwell, told the court a pending bail application would be resubmitted on March 14. — Sapa

State witness cries at trial

DELMAS — Mrs Rina Mokoena, mother of 11 children, cried yesterday at the Delmas Circuit Court while giving evidence as a state witness against the 22 people accused of high treason and murder.

Mrs Mokoena, who has been in detention since November 1984, was present on September 3, 1984, at the march to Houtkop where a community councillor, Mr Caesar Motsiane, was murdered in his house.

She said she had gone out to look for two of her children who had apparently joined up with the marchers.

She said she had seen people carrying placards and heard them singing songs. She was left behind by the marchers and continued to search for her children, she said.

The court heard Mrs

Mokoena had seen a Mr Raditsela and a friend carrying a man, aged 19, to his home. He had been shot, she said.

Mrs Mokoena gave evidence of three meetings she attended before the September 3 march, where the march had been discussed. The people were to kill the councillors and not pay their rent. Only nurses were allowed to go to work, the others had to stay behind, she said.

Because her evidence had seemed so hesitant and she had been so upset, Mr George Bizos, SC, for the defence, asked the investigating officer to leave the court while he cross-examined the witness.

He asked her to tell the truth irrespective of what she had written in her statement and that she need fear no-one.

She said she had been

crying because she had been feeling bad and because her "heart" was still sore.

The court heard Mrs Mokoena wrote two statements during her detention while with two different people. Her husband had been released and she had been detained in his place.

Mrs Mokoena said her husband had told her to go in his place so he could work for the children. She denied having anything to do with a Warrant Officer Moagi, who had been her arresting officer.

Mrs Mokoena only signed her statements — she was not sure whether it was the first or second — in July 1985, seven months after her arrest. She said she could not be sure of anything.

The trial continues on Monday. — Sapa

DISPATCH
331
1/3/86

Cape Times man in court

33/ Staff Reporter

CAPE TIMES political reporter Mr Ebrahim Moosa, 28, yesterday appeared in Wynberg Magistrate's Court in connection with contravening emergency regulations.

Mr Moosa was detained after allegedly trespassing on the premises of Alexander Sinton School while covering the opening of coloured schools in October last year.

He was not asked to plead and no charges were laid. The hearing was adjourned to April 23 for the Attorney General's decision.

Mr S F van Niekerk was the magistrate. Ms H van der Merwe prosecuted. Mr B Manca, instructed by Findlay and Tait, appeared for Mr Moosa.

Mother collapses after giving evidence

By Estelle Trengove

A mother of 11, who has been in detention since November 1984, yesterday broke down after giving evidence in the Delmas treason trial.

She was called by the State to testify against 22 leaders of the United Democratic Front and members of Azapo and the Vaal Civic Association.

The men pleaded not guilty to charges of treason, subversion and murder.

Mrs Rina Mokoena told the court of two meetings she attended shortly before the march on September 3 1984 in Sebokeng, which erupted into violence in which several people died and property was damaged.

She said she was a member of the Vaal Women's Organisation and had been asked to speak at the meetings.

"I said they (the black councillors) should resign and should

be killed, because they were not doing their job," she said.

She said after her speech, one of the accused, Mr Hlabeng Same Matlole, also addressed the meeting, saying the councillors should resign and if they did not do so, they should be killed.

When the hearing resumed after tea, counsel for the State, Mr Paul Fick, said Mrs Mokoena had collapsed outside the court during the adjournment. He asked for the trial to be postponed so that she could see a doctor, but Mrs Mokoena told Mr Justice K van Dijkhorst she was feeling better, and the hearing continued.

When he began cross-examining Mrs Mokoena, counsel for the defence, Mr George Bizos SC, asked that the police investigating officers leave the court. The judge granted the request.

Mrs Mokoena's cross-examination continues on Monday.

By MARTIN NTSOELENGOE

PROMINENT Vaal churchman Reverend Lord McCamel told the judge in the Delmas treason trial this week deep-seated black grievances were the cause of unrest in SA.

McCamel was giving evidence for the State before Judge Kees Van Dijkhorst and two assessors in the Delmas Circuit Court.

He said the pass laws, inferior education and black people's deprivation of citizenship and the right to own land in the land of their birth were the root causes of unrest.

Black people became frustrated when they were excluded from Parliament while some coloured and Indian people joined whites in the tri-cameral

'These are the roots of unrest'

Parliament, he said.

He said community councillors were "toothless" because they depended on the Government for funds and could not change laws made for them.

The Administration Boards controlled townships without residents' consent, he said.

He said the community councillors could not run the townships - so the Ad-

ministration Boards ran them and rents were constantly pegged.

"As a result residents tried many times to get community councillors to explain the rent pegs - but councillors showed little interest," he said.

McCamel said he was elected chairman of the Vaal Civic Association on September 9, 1983, after the Vaal unrest had

claimed many lives, including that of two community councillors.

McCamel said, at one meeting he attended, residents resolved to march to the Vaal Administration Board's head office in Houtkop to protest against high rents and related grievances.

At no meeting did he hear any speaker say community councillors must be killed.

McCamel denied it was said whites must be used to kill other whites.

He denied he was a member of the UDF, ANC, PAC or Azapo.

McCamel also denied that trade unionist Esau Radebe told a meeting people must be prepared for a revolution.

Boti bomber to see his parents

CP Correspondent

A SUPREME Court judge yesterday ruled that the KwaMashu teenager who this week admitted planting the limpet mine in Amazimtoti's Sanlam Centre be allowed to consult his parents and family.

He said Andrew Sibusiso Zondo, 19 - who

had not seen his parents since his arrest four days after the blast on December 23 - should speak to his parents to discuss how he will be represented. Zondo told a Durban magistrate during a preliminary hearing earlier this week that he did not want to be represented by anyone.

However, at his first Supreme Court appearance yesterday, he agreed that he would accept the counsel appointed for him if his parents could not afford to pay for a lawyer. The judge told Zondo it would be "dangerous" to defend himself because he faces serious charges. "You are a very young

man and I assume you have no legal experience. "It is difficult for someone without experience to conduct his own case. And the more serious the case, the more dangerous it is for you to do it on your own," he said. Zondo will be tried in the Scottborough Supreme Court on March

17. The prosecutor said the South Coast venue was preferable "because of security arrangements for the accused and the general public" and because the case would be heard far sooner than if they had to wait for a vacancy in Durban. Zondo said he wanted

to call Thembinkosi Mfokeng of Lamontville - who according to him is in jail - as his witness. The State also added a sixth charge - that of attempted murder - to the five counts of murder on which Zondo already appearing.

See Page 10

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Sisulu's mother for court

THELMA TUCH

ALBERTINA SISULU, wife of African National Congress leader Walter Sisulu who is serving a life sentence, has been served with a subpoena to testify in the trial of her adopted son — charged under the Internal Security Act.

Jongumzi Sisulu, 23, is Sisulu's nephew whom she adopted in 1979 after the death of both his parents. He has been in detention since August 1984.

Sisulu said last week she had been served with a subpoena last Wednesday to testify in the treason trial being held in the Supreme Court in Pretoria on March 10.

"I won't give evidence," she said, adding that her lawyers were investigating ways of contesting the subpoena.

According to South African law spouses need not testify against each other, but parents could be called to testify against their children, a legal source said on Friday.

Sisulu's son, Mlungisi Sisulu, has also been subpoenaed in the same trial.

The Committee of Concerned Women on Friday released a statement requesting that Sisulu's subpoena be withdrawn.

"As mothers, we are devastated at this action of serving a subpoena on a mother to appear in court as a witness against her own son," the committee said.

Violence claim disputed in treason trial

Woman concedes that her evidence was inconsistent

Staff Reporter

DELMAS — A Sebokeng mother of 11, who has been in detention since November 1984, conceded in the treason trial here that her evidence yesterday was "inconsistent" with her previous statements that calls to violence had been made at meetings before her arrest.

Mrs Rina Mokoena was called as a State witness at the trial of 22 United Democratic Front, Azanian People's Organisation and Vaal Civic Association members. All have pleaded not guilty to charges of incitement to murder, treason and subversion.

'Kill the councillors'

Mrs Mokoena said in evidence last Friday that she saw one of the accused, Mr Hlabeng Samuel Matlole, who was then a Vaal Civic Association executive member, tell a gathering of people to "kill the councillors if they do not resign".

The meeting occurred days before violence in the Vaal Triangle erupted after a protest in Sebokeng on September 3 1984, which allegedly resulted in the deaths of councillors.

Mrs Mokoena said she had also spoken at the meeting and had endorsed that sentiment, although she later said she was not sure about that.

Under cross-examination by Mr

George Bizos, SC, for the defence, Mrs Mokoena said she could not remember Mr Matlole uttering those words at the meeting, saying that she had become "confused".

She said she had "heard voices" speaking to her since 1968 and that that had also occurred while she had been in detention. She said she was not feeling well and had not been able to think properly since she had been detained.

Mrs Mokoena's husband had been detained by police shortly after the meeting. She had begged the police to detain her as her husband was the family breadwinner. Later they had brought her husband back and detained her.

She could not explain why she had failed to state, in the first of two statements made in detention, that Mr Matlole had called for violence.

Mr Bizos put it to her that neither she nor anyone else had called for the death of councillors at the two meetings she had attended that day. Mrs Mokoena said she could not dispute that. She also agreed that her statement on Friday — that she had called for violence to give her speech "more effect" — did not tally with what she told the court yesterday.

And she admitted that the religious tenor of the speech she had made that day "did not go with" her evidence that she had called for the councillors to be killed.

The hearing continues.

Court told of assault

THE Delmas treason trial heard yesterday how a State witness and an accused were assaulted by a Boipatong councillor who is also a security policeman. The incident happened on September 31, 1984.

Mr Peter Mohapi, vice-chairman of the Boipatong Residents' Committee, told the court that Mr Daniel Mpondo and three of his colleagues had accused him and the committee's secretary, Mr Sekwati John Mokoena (33), of setting his house alight.

This evidence emerged yesterday during cross-examination by Mr George Bizos, SC, for defence.

Mr Mohapi, who has been in detention since December 1984, was testifying in the 22-man trial before Mr Justice K van Dijkhorst.

Mr Mohapi said, on September 21, he was arrested by Mr Mpondo and his colleagues while at a taxi rank. The men had stopped their car in front of him, flung doors open and pointed firearms at him. "I was assaulted and later put in the car. Mr Mpondo hit me with fists and also throttled me. I found Mr Mokoena already in the car with his face swollen and handcuffed from behind the back," he said.

Mr Mohapi said from there they drove to Mr Mpondo's house where he showed them what damage the fire had caused. He was once more assaulted and sjambokked.

(Proceeding)

No bail for six accused in ANC case

331
5/3/86

PORT ELIZABETH — A bail application by six people charged with furthering the aims of the African National Congress and having firearms and explosives was refused by a Port Elizabeth magistrate yesterday.

Mr E.L. de Kock said the six had not proved they would return to stand trial.

The accused are Mr Fuzile Tsewu (36) of New Brighton, Miss Nontembi-so Ndabeni (28) and Mr Bonisile Gage (27) of kwaZakhele and Miss Bukiwe Sofute (32), Mr Madoda Budaza (28) and a 17-year-old Soweto youth.

STATEMENTS

Mr de Kock said they had told the court they would not leave the country but he could not overlook the evidence of Major H B du Plessis.

He told the court:

- The accused had made incriminating statements and some of their fingerprints were on the explosives.
- Other suspects connected with the accused had left the country during the investigation and a considerable amount of firearms and explosives had not been traced as a result.
- The police, through an informer, had heard that the accused had agreed to ask for bail on their first day in court so they could leave the country.
- They were linked with an ANC cell involved in a shootout with police in New Brighton.

Miss Ndabeni and Miss Sofute had already been to Lesotho.

The hearing was postponed to April 18 for the accused to plead and will then resume in the Port Elizabeth Regional Court on April 21. — Sapa

Treason trial told of arson charge

Witness claims he was assaulted

5/3/85 MAR 331

Staff Reporter

DELMAS — A State witness at the treason trial here said he was assaulted and detained by a community councillor — who was also a security policeman — before being detained again to make statements about the activities of his former colleagues.

Mr Peter Mohapi, vice-chairman of the Boipatong Residents' Committee (BRC), has been in detention since December 11, 1984. He gave evidence yesterday at the trial of 22 United Democratic Front, Azanian People's Organisation, Vaal Civic Association and Azanian Youth Unity members. The men have all pleaded not guilty to charges of incitement to murder, high treason and subversion.

Mr Mohapi said he and an accused, Mr Sekwati John Mokoena, the BRC's secretary, were detained by a Vaal Triangle councillor, a Mr Mpondo, who was also a security policeman, on September 21, 1984.

They were assaulted, accused of trying to burn down Mr Mpondo's house,

then charged with arson and released on bail, he said.

Mr Mohapi said he later appeared in court alone as Mr Mokoena had been detained again and the arson charge was withdrawn.

In his evidence-in-chief, Mr Mohapi said that before unrest broke out in the Vaal Triangle in September 1984, Boipatong residents had formed the BRC in anticipation of township rent increases.

He said Mr Mokoena had told a committee meeting that the community councillors should resign if they were going to increase township rents.

Mr Mokoena also said that if the councillors did not resign, their businesses were to be boycotted. And if the boycotts did not have the desired effect, their houses were to be burned.

Under cross-examination by Mr George Bizos, SC, Mr Mohapi then denied he had said Mr Mokoena said such things at the committee meeting. He said that Mr Mokoena told him that when they met one day in the street.

The case continues.

Reporters' film is trial evidence

PIETERMARITZBURG — Film and sound recordings taken from International Television News staff in Durban were yesterday handed in as evidence by the state in the treason trial here.

Captain Z. de Beer, who was the head of the labour and trade union section of the security branch in Durban, said he and others kept watch while a meeting was being held at the YMCA in Durban in September 1983.

He said he saw former accused Mr Archie Gumede and Mr Curtis Nkondo, and present accused Mr Sam Kikine, and the Reverend Mcebisi Xundu, go into the meeting.

After the meeting he had followed three ITN staffers and taken films and tapes from them.

Captain De Beer said in June 1983 he and other policemen went to the South African Allied Workers Union office in Durban to serve a prohibition of meeting notice on Mr Kikine and co-accused Mr Duze Isaac Ngcobo.

He said he removed placards from Mr Kikine's desk. One placard read "Sactu (SA Congress of Trade Unions) lost only two workers but they produced millions of workers in SA." Another read: "We lost Sactu regional secretary Comrade Jabu and Pat Msomi, but the struggle will

be intensified."

Colonel J. Buchner of the Security Branch in Pretoria said the raid by the Defence Force on Maseru in December, 1982, had proved to be to the advantage of South Africa. He said shortly before the strike there had been 19 terrorism attacks in the Free State and the Eastern Cape.

Asked by the Judge President of Natal, Mr Justice A. J. Milne how he was able to say these attacks came from Lesotho, Colonel Buchner said investigations had proved it to be so and it had been borne out by people they captured.

The hearing continues. — Sapa

Violence and looting was not our aim, says witness

SPAR 6/3/86 331
Staff Reporter

DELMAS — A State witness at the treason trial here said protest marchers in Boipatong on September 3 1984 turned violent and stoned a police vehicle until it turned and sped off, before stoning community councillors' houses and shops.

Mr Peter Mohapi, vice-chairman of the Boipatong Residents' Committee (BRC), who has been in detention since December 11, 1984, testified at the trial of 22 leaders of the United Democratic Front and members of the Azanian Peoples' Organisation, Azanian Youth Unity and the Vaal Civic Association.

The men have all pleaded not guilty to high treason, terrorism, subversion, murder and furthering the aims of banned organisations.

Mr Mohapi said the march had started at Boipatong Square. The BRC had decided to march to the community councillors' offices at Houtkop, where they intended to speak to the councillors about township rent increases.

'UNCONTROLLABLE' CROWDS

He said he and other committee members realised they could no longer control the crowd when youths started stoning a police vehicle in Boipatong Square. The vehicle turned and sped off.

The crowd then started breaking up and some of the youths went to the house of Mr Daniel Mpondo, a community councillor who is also a security policeman, and started throwing stones at it.

Later, youths stoned the house of another councillor, a Mr Ndzunga, and tried to set it alight, before looting his shop and stoning a beerhall.

"If we had stood in front of the crowd with our arms raised and told them to stop the violence, we could easily have been killed by them," Mr Mohapi said.

He said one of the committee members, Mr Ernest Sotso, had told him: "Our aim was to get these people in a march. We must not take part in what the crowd are doing, we must just watch."

Some of the people who watched the youths stoning the councillors' houses, shouted encouragement to them. Others did not. Mr Mohapi said that neither he nor other committee members encouraged the violence.

After a period of illness, during which time he left the courtroom and was treated in hospital, one of the accused, Mr Hlabeng Sam Matlole, was welcomed back into the dock yesterday by Mr Justice Kees van Dijkhorst.

The hearing continues today.

Priest tells treason trial of his 'sin'

By NKOPANE
MAKOBANE

A SEBOKENG priest said yesterday he had denied in his first statement to a police officer that he took part in a rent protest march on September 3, 1984, but in his second statement he had admitted everything.

The Rev Jacob Mahlatsi, who has been in detention since December 18, 1984, said this in the 22-man treason trial in the Delmas circuit court when questioned by Mr George Bizos SC, for the defence.

Violence

This he said after Mr Bizos had put it to him in his first statement he had not mentioned anything about a call for violence at a meeting on August 26, 1984 at the Catholic church in Small Farms, Evaton, or a call before the rent march on September 3, 1984, at the same church, to attack councillors' houses.

Earlier he told the court that he made his first statement three or four days after he was detained. Two days thereafter, at his own request, he made a second one before the same officer because "there were things worrying me which I wanted to clear".

"What made me want to make a second statement was that as a church minister, I felt if I kept something within me and did not divulge it, it is a sin before the eyes of God," he said.

Stayaway

Asked by Mr Bizos what it is that he had added to or kept back from his first statement, he said it was the rent protest march, the setting alight of the house of the late Mr Caesar Motieane, a Sebokeng

councillor, and what had happened to councillors. He added he had first denied that he took part in the march because people had died.

In his earlier evidence, Mr Mahlatsi told about the August meeting where some speakers called on councillors to resign or be killed.

The crowd was also told there would be a work stayaway on September 3, 1984, pupils would not go to school, buses and taxis would not operate and shops were to close for 24 hours.

People were also told not to pay rent.

(Proceeding)

Minister quit unrest march after hearing gunfire

Staff Reporter

331

STAR

7/3/86

DELMAS — A State witness in the treason trial here told the court that he left the ranks of people marching on the administration board offices during unrest in the Vaal Triangle in 1984 because he heard shots being fired and was "a coward".

The Rev Jacob Mahlatsi, of the Apostolic Church in Sebokeng, was testifying at the trial of 22 leaders of the United Democratic Front and its affiliate, the Vaal Civic Association (VCA), and members of the Azanian Peoples' Organisation, Azanian Youth Unity and other organisations.

They have pleaded not guilty to charges of high treason, murder, subversion and furthering the aims of banned organisa-

tions.

Mr Mahlatsi said he attended a meeting at the Small Farms Catholic Church in Evaton on August 26 1984.

There he saw a previous witness, Mrs Rina Mokoena, who told the audience to resist increased rents.

She also called on community councillors to resign, adding that if they did not they were to be killed.

Mr Mahlatsi said that on September 3 he went to another meeting. Mr Esau Raditsela, then vice-chairman of the VCA, who has since left the country, told the people to follow placard bearers as they left the church.

He said they should go past councillors' houses showing them placards and telling

them to resign.

Mr Mhalatsi said Mr Raditsela told the meeting that if the councillors refused, they were to be killed and their shops set on fire.

He said he ran away when the marchers heard gunshots ahead of them as Mr Raditsela urged them on, because he was "a coward".

Under cross-examination by Mr George Bizos, SC, for the defence, Mr Mahlatsi said he had been in detention since December 18 1984.

He admitted that the first statement he made in detention had been false.

In it he had denied any involvement in the march and also omitted Mr Raditsela's "calls for violence against the councillors".

The hearing is continuing.

Saawu meeting on video

CITY P
9/3/86 331

SECURITY police told the Maritzburg Supreme Court this week how they obtained evidence against the SA Allied Workers' Union — they confiscated a TV crew's film.

Four Saawu leaders — Thozamile Gqweta, Sisa Njikelana, Isaac Ngcobo and Sam Kikine — are charged with treason and furthering the aims of an unlawful organisation.

It's claimed they worked for the violent overthrow of the SA Government between 1980 and 1985, and participated in the "revolutionary alliance".

This alliance allegedly includes the ANC's labour wing and the SA Congress of Trade Unions.

Security policeman Captain J de Beer — in charge of the security police "labour and trade union" section in Durban

at the time — told the court he and his men had stopped a car with reporters from International Television News after a Saawu meeting in Durban during June 1983.

They then confiscated videos made by the TV crew during the meeting.

Among those who allegedly attended the meeting were Kikine, UDF president Archie Gumede, Curtis Nkondo and former Lamontville priest Rev Mcebisi Xundu. The ITN recordings were handed into court as evidence.

De Beer also told of a raid he and his men carried out on the Saawu offices during June 1983.

They confiscated several posters including one which read: "Sactu lost only two leaders but they produced millions of workers in South Africa."

Councillors were called dogs, court told

11/3/86

Staff Reporter

331

DELMAS — A State witness at the treason trial here was cross-examined on his allegation that one of the accused had referred to community councillors as dogs.

Mr Jacob Mahlatsi, a vice chairman of a Vaal Civic Association area committee who has been in detention since December 1984, testified at the trial of 22 leaders of the United Democratic Front, its affiliate, the Vaal Civic Association (VCA), and members of the Azanian Peoples' Organisation and Azanian Youth Unity.

Mr Mahlatsi said he was a bishop in his church — the Apostolic Church of Sebokeng. Although he was illiterate, he said he had secretaries who read from the Bible for him.

He said a public meeting was held at the Catholic Small Farms Church in Sebokeng on August 26, 1984, to discuss the setting up of an area committee of the Vaal Civic Association.

At this meeting one of the accused, Mr Hlabeng

Sam Matlole, called the community councillors by "uncomplimentary names" — and among other things referred to them as "dogs who build shops for themselves with our money", he said.

He added that the term "dog" indicated a strong dislike for the person referred to. It was his opinion that such a strong term indicated the person using it intended to "do something" to the person he so termed.

Replying to questions by Mr George Bizos SC, for the defence, Mr Mahlatsi said the term could also be applied to a shopkeeper who short-changed his customers.

Asked what he would do if he was short-changed, even by one cent, Mr Mahlatsi said he would kill such a shopkeeper, rather than simply not buy his goods again.

Mr Bizos quoted specific examples of the usage of the term "dog", saying that this did not imply that violent action was being threatened.

The hearing continues. (Proceeding.)

STAR 11/3/86

331

Judge can't accept 'Barnabus 20' in treason trial

Own Correspondent

MARITZBURG — Transcriptions of some conversations tape-recorded by Security Police bristled with errors, defence counsel Mr M T Moerane said in the treason trial here yesterday.

Many tapes and transcriptions, and translations of the transcriptions have been handed in as exhibits by State counsel. State and Defence counsels have agreed some accurately reflect what transpired at meetings but others were hopeless, Mr Moerane said.

Mr Moerane, who was cross-examining Security Branch Warrant Officer B Myati, said there had been many incorrect spellings and wrong words in the Zulu transcription of a tape. There had probably also been mistakes in the translation from Zulu into English.

Mr Moerane said Mr Myati had transcribed a bugged telephone conversation between Mr Dusi Eric Ngcobo and a person known as Barnabus. He said Mr Myati had written down "Barnabus 20".

Judge President Mr Justice Milne said the conversation had probably gone "Barbabus Lo". Mr Myati said that it had sounded like Barnabus 20 to him when he was doing the transcription.

Mr Justice Milne said this was explicable only on the basis that the recording was so appalling he could not hear properly or his hearing or memory was defective.

Mr Moerane said that Mr Myati had probably written "Barnabus Lo", in a poorly made L, and the typist had typed it as "Barnabus 20".

The hearing continues.

Sisulu's son in court

JOHANNESBURG. — Five Soweto men — one the son of jailed African National Congress leader Mr Walter Sisulu — appeared in the Rand Supreme Court yesterday on charges of treason, terrorism and contravening the Internal Security Act.

Mr Jongmuzi Sisulu, 26, of Orlando West, Mr James Dubasi, 28, of Orlando West, Mr Lumkile Happy Mkefa, 21, of Emdeni Extension, Mr

David Matsose, 24, of Naledi, and Mr Joseph Themba Maja, 25, of Tladi, are all in custody.

Mr Jongmuzi Sisulu is the son of Walter Sisulu, who is serving a life sentence for political offences, and Mrs Albertina Sisulu, who was acquitted of treason in Maritzburg recently.

The men have not yet been asked to plead.

All have been accused of belonging to the banned ANC and of un-

dergoing military training outside South Africa to further the ANC's aims.

The trial opened amid strict security with all entering the court being checked with an electronic metal detector and having their bags searched.

The hearing continues today.

Mr Justice A M van Niekerk presided. Mr H Viljoen, SC, appeared for the accused. — Sapa

Issel in court over banning order

Capt. Toit 11/3/86
231

Staff Reporter

BANNED community leader Mr Johnny Issel, who was arrested at D F Malan Airport on Friday when Pastor Gottfried Kraatz left South Africa, was granted R2 000 bail when he appeared in Bellville Magistrate's Court yesterday.

According to the charge sheet Mr Issel will face a charge under Section 56 (1) (j) of the Internal Security Act. The section deals with the contravention of a banning order.

Mr Issel was not asked to plead and no evidence was led.

At the start of the proceedings, the prosecutor, Mr B R Buys, applied to have Mr Issel transferred, in custody, to Wynberg Magistrate's

Court as the alleged offence had not been committed in the Bellville magisterial district.

Mr J R Whitehead, for Mr Issel, opposed the application. The court had jurisdiction as the alleged offence had been committed in the Bellville magisterial district.

The magistrate, Mr P du Toit, granted the application because it would be more practical if both cases were disposed of in one court.

In addition to the bail of R2 000, Mr Issel was required to report to the Wynberg police daily, ordered not to leave the Wynberg magisterial district and he should not be arrested for the same offence until he appeared on March 18.

Mr Whitehead was instructed by E Mohammed of E Moosa and Associates.

Airport incident: 41 appear

Staff Reporter

FORTY-ONE people appeared in Bellville Magistrate's Court yesterday for allegedly "committing a nuisance or disorderly conduct" at D F Malan Airport during a farewell to Pastor Gottfried Kraatz on Friday.

The magistrate, Mr E Louw, ordered that the hearing be held in camera after the prosecutor, Mr W D Simpson, said there were minors among the accused. The press and people not related to the minors were ordered out.

Mr E Mohammed, appearing for all the accused, applied for the hearing to be held in open court.

He also said he wanted to place on record that his right as attorney to have access to the accused who had been arrested at D F Malan had been denied.

The hearing was adjourned to April 22 for plea and trial. The accused were all warned to appear.

The accused are: Christina Kunz, Johnny Issel, Rev Susan Burchfield, Ingrid Vienings, Lourens Miller, Rev Robin Peterson, Rev Charles Martin, Abdoesa-laam Isaacs, Nicolas van Wyk, Nazeem Drumont, Elizabeth Erasmus, June Esau, Vivienne West, Shirley Gunn, Patricia Edwards, Susan Anderson, Veronica Simmers, Janet White, Anthony Dietrich, Nadeem Daniels, Ismail Otto, Rev Brian Burchfield, Pierre van der Heever, Sulaiman Isaacs, Mark Jason, Dennis Jason, Cecil Esau, Andre Hendriks, Marlan Holtzman, Trevor Barron and 11 minors.

Soweto five face treason and terrorism charges

By Estelle Trengove and Jenni Tennant

Veteran anti-apartheid activist and United Democratic Front patron Mrs Albertina Sisulu was at the Rand Supreme Court yesterday when her nephew appeared with four others on charges of treason and terrorism.

The five entered the dock singing. They are appearing in connection with several incidents, including a shoot-out with police near Vereeniging, an attack on two policemen near the Jabulani police station in which a constable was killed, and two bombings of policemen's cars.

The men are Mr James Mncedise Hamilton Dubasi (28) and Mrs Sisulu's nephew, Mr Jongumuzi Sisulu (26), Mr Lumkile Happy Mkefa (21), Mr David Matsose (24) and Mr Joseph Themba Maja (25), all of Soweto.

They were not asked to plead and their appearance lasted barely 15 minutes.

ELECTRICITY PYLON DESTROYED

The State claims the men were members or supporters of the banned African National Congress and the following allegations have been made against them:

- Mr Dubasi and another member of the ANC allegedly sabotaged an electricity pylon in Mamelodi, Pretoria, causing an interruption in the power supply to large areas in and around Pretoria on August 20 1983.
- On the night of March 11 1984 Mr Dubasi, Mr Sisulu and two others allegedly tried to sabotage a railway bridge on the Golden Highway near Vereeniging. A police vehicle arrived on the scene. Shots were exchanged. The men fled into the nearby farmlands and escaped.
- In May 1984 Mr Mkefa allegedly attached a bomb to a security policeman's car. It exploded the next morning. Mr Mkefa allegedly also exploded two hand grenades.



Mrs Albertina Sisulu was mobbed by foreign Pressmen as she left the Rand Supreme Court yesterday, where her nephew faces charges of treason and terrorism.

- In mid-1984 Mr Dubasi and Mr Sisulu allegedly attached explosives to a railway pylon near New Caledonia station. The explosives were discovered by a railway worker and later defused.
 - Mr Mkefa allegedly attached a bomb to the car of Detective Warrant-Officer R R Ranaka in July 1984. The car was destroyed.
 - One night in July 1984 two policemen on duty at Jabulani police station went to buy a snack at a fast-food outlet. Constable N B Maphala waited in the car. Mr Dubasi, Mr Sisulu and Mr Mkefa were allegedly waiting nearby, each carrying a loaded AK-47 rifle. When Constable K S Tsotetsi returned with the food the three men allegedly opened fire and ran away. Constable Tsotetsi was killed and Constable Maphala seriously injured.
- The hearing continues today.

CAPE TIMES

11/3/86

Police whips stop march

Staff Reporter

POLICE used sjamboks to disperse about 200 people — mostly pupils — who marched on Bellville Magistrate's Court yesterday morning.

The youths were supporters of 41 people charged with creating a disturbance after they saw Pastor Gottfried Kraatz off at D F Malan Airport on Friday.

A police spokesman said youths marched down Voortrekker Road, Bellville, on their way to court at 9.20am. Police used sjamboks to disperse the crowd after some of them ignored an order to stop the march.

The crowd dispersed after the sjambokking, the police spokesman said.

Nobody was injured and no arrests were made.

Mr Harald Harvey, who witnessed the incident, said pupils had not been marching but walking to court from the Bellville railway station. He and a girl were briefly detained by police, he said.

A police captain had approached the girl, who was talking to someone, and had asked her if she was one of the accused. When she said she was not, the policeman grabbed her and pulled her away.

When Mr Harvey intervened to ask why the girl was being arrested, the police captain instructed another policeman to take him as well. They were later told by an attorney that they were being detained in terms of Section 50 of the Internal Security Act.

However, they were later released on condition that they leave the area, Mr Harvey said.

CAPE TIMES

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However, they were later released on condition that they leave the area, Mr Harvey said.

'Rent meeting was disrupted - witness

SOWETAN

A GROUP of Lekoa councillors had to be escorted by police out of Bophelong Township when a meeting to explain a R5,90 rent increase ended abruptly, the Delmas Circuit Court was told yesterday. (331) 12/3/86

The court heard that while the mayor, Mr Esau Mahlatsi, and some Bophelong councillors were addressing the meeting at the local hall on August 29, 1984, the lights went off. People came out from the hall and started stoning councillors' cars. When this happened, policemen who had parked outside rushed inside to fetch Mr Mahlatsi and other councillors. They later escorted them to safety outside the township.

This evidence was given by Mr Piet Mokoena, a Zone 3 Sebokeng councillor, in the trial of 22 leaders of the United Democratic Front and its affiliate, the Vaal Civic Association and members of the Azanian People's Organisation. They have pleaded not guilty to charges of high treason, murder, subversion and terrorism.

Earlier, an application by the State that proceedings be held in camera was turned down by Mr Justice K van Dijkhorst, who is sitting with two assessors.

Mr Mokoena told the court that after the November 1983 elections, the Lekoa Town Council embarked on projects to improve the six townships falling un-

Delmas Treason Trial

der its jurisdiction. These included electrification of houses, installation of high mastlights, building of a creche in Boipatong and a clinic in Zone 11 in Sebokeng.

He said because these

projects would cost R20-million the council was to propose them to the community and if it agreed, make a loan. Rent was to be increased by R5,90 in order to repay the loan.

He said the rent increase which came into effect on September 1, 1984, was to have been effected on July 1, 1984. It was postponed because the community had not been informed.

At a council meeting, it was agreed that all the 39 members of the council hold meetings on August 5, 1984, to explain to their ward members about the R5,90 increase.

(Proceeding).

Explosives found in car, major tells court

By Estelle Trengove and
Jenni Tennant

Explosives were found in a car in which two alleged members of the African National Congress were travelling when arrested, the Rand Supreme Court heard yesterday.

Security policeman Major J C Coetzee said he watched from a nearby rise as the car was stopped at a roadblock in the Magaliesburg district in June 1984.

He was giving evidence in the trial of five men who are charged with treason and charges under the Internal Security Act.

The men, Mr Mncedisi Hamilton Dubasi (28), Mr Jongumuzi Sisulu (26), Mr Lumkile Happy Mkefa (21), Mr David Matsose (24) and Mr Joseph Themba Maja (25), all of Soweto, have pleaded not guilty.

Major Coetzee said when he went closer, he saw Mr Dubasi, Mr Sisulu and another man lying on the ground next to the car with their hands tied

behind their backs.

He said the men were informed they were under arrest.

They were initially blindfolded, but these were removed when the car was searched.

Among the packages and bags in the car, the police found two grenades of Russian origin, two detonators, two AK magazines and some reference books, Major Coetzee said.

Sergeant H C d W Marais, a member of the special task force, said he saw a man run away as police approached a farm store on July 31 1984.

Sergeant Marais said as he and his colleagues went to the back of the building, he heard shooting.

Mr Matsose was found inside the building and arrested, he said.

The hearing continues.

Mr Justice A M van Niekerk, sitting with two assessors, is on the Bench. Mr J A Swanepoel, assisted by Mr A G Berry, appeared for the State. Mr D V Duke SC, assisted by Mr M Basslian, appeared for the accused.

POSTERS
C.T. 12/3/86
on box:
Appeal
by 7⁽³³¹⁾
succeeds

Supreme Court Reporter

SEVEN Oudtshoorn men who glued posters to a post office cable box successfully appealed to the Supreme Court against their conviction and sentences this week.

Mr Reginald Oliphant, 37, Mr Mbulelo Grootboom, 26, Mr Humphry Joseph, 29, Mr David Pypers, 29, Mr Samuel Jack, 29, and Mr Petrus Lewis, 20, had each been fined R60 (or 60 days) with another 60 days conditionally suspended for five years.

They were also ordered to compensate the George postmaster for the R20 damage they caused to the box.

The seventh man, who was 17 at the time of the incident on March 21 last year, had been sentenced to three lashes.

Prayers

Two posters advertising a forthcoming prayer meeting had been glued on to a cable box in Sandkraal Road, near George, on the way to Lawaakamp location.

Mr David Yutar, for the seven, submitted that it was not possible to contravene section 44 (1) of the General Law Further Amendment Act 93 of 1962 as no offence was created by the section.

It merely provided for a penalty which would follow were one convicted of an offence as described in section 44.

Set aside

The appeal succeeded and the men's convictions and sentences were set aside.

Mr Justice H L Berman and Mr Justice D M Williamson presided. Mr A D R Stephen appeared for the State. Mr D Yutar was instructed by E Moosa and Associates.

Treason trial evidence

Councillor

'unaware of 427 pc rent rises'

By Andrew Beattie

DELAMS — A Lekoa town councillor, who testified at the treason trial in Delmas, said yesterday that before approving a rent increase he had not known rents had already risen by 427 percent in the previous seven years.

He had also not known residents there paid the highest rents, per house, in the country's black townships.

These figures, compiled by a University of Port Elizabeth research unit, were put to State witness Mr Piet Mokoena, of the Lekoa Town Council, by defence counsel Mr George Bizos SC.

According to the figures, rents in Lekoa had been increased by 214 percent more than the national average during the introduction of community councils between in 1977 and 1984.

The State alleges that members of various political organisations incited violence in the Lekoa area over rent issues in 1984.

Mr Mokoena was testifying at the trial of leaders of the United Democratic Front and the Vaal Civic Association, and members of the Azanian Peoples' Organisation and Azanian Youth Unity.

ELECTRIFICATION

The 22 men have all pleaded not guilty to charges of high treason, incitement to murder, subversion and furthering the aims of banned organisations in conspiring to overthrow the State. They are in custody.

Mr Mokoena said the rent was increased so the council could electrify areas of Lekoa, install high-mast street lamps, build a creche in Boipatong and enclose a dam in Zone Three, Sebokeng, with a fence.

Asked by Mr Jacobs SC, for the State, how the council had reached agreement with the community on the rent increase of R5,90 a house, Mr Mokoena said meetings had been held "to inform them".

The councillors had wanted to make the rent increase effective from July 1984 but had not been able to inform the community by then or advertise the decision in the Government Gazette, he said.

'STRINGS BEING PULLED'

The yearly budget of the Lekoa council was prepared and explained to the councillors in July by officials from the Orange-Vaal Development Board. No questions were asked by any of the councillors, Mr Mokoena said.

Mr Bizos said this placed a question over the independence of black councillors and gave the impression "the strings were pulled by others".

Mr Mokoena replied this allegation was unfair because it had been the first time the council had passed its own budget. "We had just started... we were busy teaching ourselves about it," he said.

On August 5 1984, he and other councillors had held a meeting to tell the community of the decision. He said that 500 to 600 people attended and there was only one person who disapproved.

He knew of only one rent-related incident of violence in the period up to September 3, when unrest erupted in Lekoa, he said.

The hearing continues.

Major tells court of sketches of ANC targets

Staff Reporter

Sketches of alleged African National Congress targets were included in exhibits handed into the Rand Supreme Court yesterday during the trial of five alleged ANC members.

Security policeman and explosives expert Major Abraham Grobbelaar told the court two notes and two sketches, as well as explosives, pamphlets and other articles, were found in a farm building he searched after the arrest of two men on July 31, 1984.

Major Grobbelaar was testifying in the trial of five men who have been charged with treason and charges under the Internal Security and Terrorism acts.

SEARCHED

Mr Mcedisi Hamilton Dubasi (28), Mr Jongumuzi Sisulu (28), Mr Lumkile Happy Mkefa (21), Mr David Matsose (24) and Mr Joseph Themba Maja (25), all of Soweto, have pleaded not guilty.

A farm store near Boons was searched by the police after Mr Matsose and Mr Maja were arrested by members of the special task force, the court was told.

Several items were yesterday handed in to the court as exhibits.

The notes were read out in court. They referred to sketches of targets.

EMPTY DRUM

The State said it would be alleged the sketches related to the Witwatersrand Command Headquarters and Holland Street.

Major Grobbelaar said on August 7, 1984, Mr Dubasi went with a police captain, an interpreter and a photographer to point out areas. They were followed by the major.

In the veld in Emdeni, they were shown a place where the police found an empty drum in the ground, he said.

EXPLOSIVES

Near a drive-in in Langlaagte, a trunk was unearthed. In the trunk were AK 47 magazines and ammunition, handgrenades, plastic explosives and safety fuses, the major told the court.

The hearing continues.

Mr Justice A M van Niekerk, sitting with two assessors, is on the Bench. Mr J A Swane-poel, assisted by Mr A G Berry, appeared for the State. Mr H P Viljoen SC, assisted by Mr S L Joseph appeared for the accused.

Seven get jail for terrorism

PORT ELIZABETH — Seven convicted terrorists were sentenced in the Burgersdorp Regional Court yesterday to terms of imprisonment ranging from three to six years.

Two of the men were also convicted and sentenced on a charge of furthering the aims of a banned organisation.

Appearing in court before Mr NR Oosthuysen were: Denmark Tungwana (19), Lungile Nomeva (25), Ntsikelelo Qaku (30), Andile Xintolo (35), Zukile Ronnie Gxavu (23), Ncedile Godfrey Maku (22) and Simon Spelman (19).

An eighth accused, Mr Tembeni Samuel (23), was found not guilty and acquitted.

On the terrorism charge Tungwana, Gxavu and Maku were each sentenced to three years imprisonment; Nomeva and Qaku to six years; Xintolo to four years and Spelman to six years. — Sapa.

Councillor aware of corruption talk

Agitators 'not needed to make blacks aware of grievances'

13/3/86
SMR
331

Staff Reporter

DELMAS — Agitators were not necessary to make black people aware of their real grievances, a Lekoa town councillor said at the treason trial here yesterday.

And Mr Piet Mokoena added he was aware town councils were generally regarded as powerless "puppets of the State".

He also said that, of 12 liquor licences and premises awarded in the Lekoa area shortly after his election in 1983 — worth a total of R10 million — nine were awarded to councillors.

Mr Mokoena was appearing as a State witness at the trial of 22 United Democratic Front, the Vaal Civic Association, the Azanian Peoples' Organisation and Azanian Youth Unity members. The men, who are all in custody, have denied charges of high treason, incitement to murder, subversion and furthering the aims of banned organisations.

Mr Mokoena said talk of corruption by councillors was widespread in black communities.

And he agreed the majority of black people's impressions of the town councils, introduced in 1983, were no different from those of the preceding community councils — namely that they were puppets of the State, which had no power.

He said: "A certain proportion of the community has been complaining about this for a long time — the educated portion who articulated the feelings of the majority."

And he agreed that the main grievance of the black community was that

it believed it was entitled to full political rights and representation in Parliament.

Mr Mokoena admitted that he had become the owner of a beerhall shortly after becoming a councillor, after being awarded a licence, premises and goodwill worth R1,1 million. He said that "anyone could have done so" although he admitted he had not paid anything to date for the beerhall except about R600 to R700 a month rent.

And he conceded that of 25 liquor licences awarded by the Orange-Vaal Development Board shortly after the elections, only six were not awarded to councillors. One of those six, Mr J.B. Mahlatsi, might have been either a brother or cousin of the mayor of Lekoa. Twelve were awarded to the "extended family of Mr Esau Mahlatsi, the mayor of Lekoa".

Only one outsider

Of the twelve facilities in Lekoa, nine were awarded to councillors, one to an ex-councillor, one to a partnership in which there was a councillor, and only one to a complete outsider to the council system.

Mr Mokoena said it had never seemed to him that this was an unsatisfactory state of affairs, or unusual that so few of the businessmen or tavern-keepers who had tendered for the licences had been successful.

He said the councillors had not agreed with the idea of the beerhalls being sold and that board officials had said the Cabinet had ordered that they be sold to private concerns.

The hearing continues.

Detainee ease on appeal

Weekly Mail Reporter,
DURBAN

THE rights of security detainees is at the heart of an appeal being considered by five Appellate Division judges.

The case, argued in Bloemfontein yesterday, arose when Durban detainee Paddy Kearney was freed by a court order last September.

The application against the Minister of Law and Order and the Police was brought by Archbishop Denis Hurley and Kearney's wife, Carmel Rickard, and it challenged the validity of his detention under Section 29 of the Internal Security Act.

According to the archbishop's lawyers, police may validly detain anyone under Section 29 only if they "have reason to believe" such a person is guilty of terrorism, sabotage or subversion.

Both the Archbishop and Rickard argued in their affidavits that from their close knowledge of Kearney — the director of the Durban church agency Diakonia — he could not be guilty of the three crimes specified in the section.

Archbishop Hurley — who founded and chairs Diakonia — said he had known Kearney "from birth". He had also followed his career as a brother in the church and since the establishment of Diakonia had been in constant contact with him.

He was "appalled" at the idea that Kearney — a committed pacifist — could be suspected of these crimes.

The two applicants claimed that "no reasonable person" could conclude that Kearney was guilty of these crimes, and that his detention was therefore unlawful.

Judge Ray Leon ruled the police argument — that they were not prepared to reveal their reasons for holding him on the grounds of "state security" — was inadequate, and he ordered Kearney's immediate release.

The minister asked that Kearney be held in detention pending the outcome of the appeal, but this was turned down, and Kearney was released immediately.

Since his release, a number of detainees in Natal have been freed, using this case as a precedent.

The appeal will establish whether the police can be called on to provide their reasons for holding a detainee. If the Natal judgment is upheld, it will mean the ruling will apply to the rest of South Africa as well.

Councillor tells court of election campaign

Staff Reporter

DELMAS — A town councillor for Ward 33, Boipatong, who said he was elected to Lekoa Town Council with 33 votes in 1983, testified at the treason trial in Delmas yesterday that a public meeting was told "not to come and listen to my lies".

Mr John Hlophekile Ngcina, who said he thought there were 2 000 voters in his constituency, gave evidence that youths singing freedom songs and wearing United Democratic Front T-shirts attended election campaign meetings.

He alleged their threats to burn people's possessions if they voted, and the appearance of UDF posters saying "Don't vote in apartheid elections", caused low percentage polls.

Mr Ngcina was called as a State witness at the trial of 22 leaders of the United Democratic Front, the Vaal Civic Association, the Azanian Peoples Organisation and Azanian Youth Unity. The men, who are all in custody, have denied charges of high treason, incitement to murder, subversion and furthering the aims of the African National Congress and the South African Communist Party.

Mr George Bizos SC, for the defence, said one of the accused, the secretary general of the UDF, Mr Popo Molefe, would testify that the posters — which were presented as exhibits in court and alleged to have been displayed in 1983 — were not printed until 1984.

The defence's information was also that Mr Ngcina received only 32 votes out of a possible 5 470.

"The 'apartheid elections' were the tricameral elections in 1984. During the council elections in 1983, the UDF used posters saying 'Don't vote for community councils' and 'Peaceful protest — we don't fight'," said Mr Bizos.

Mr Ngcina said a meeting was called by the councillors on August 29 1984 after protest meetings had been held because of the council's decision to increase rents to fund improvements in the area.

While a councillor was addressing this meeting, a youth stood up and shouted: "Who chose you people?"

Then, Mr Ngcina said, "a young woman said that if we didn't resign they would set alight our houses. Then she told them to switch off the lights. The moment the lights went out everyone fled outside and we ran for our vehicles".

"They were all busy throwing stones. At the same time the police were firing teargas," Mr Ngcina said, adding that he could not see the people throwing stones.

When he got home, he found the windows of his house had been stoned, as well as his car.

After he left his house during the widespread unrest which hit the area on September 3, his house was set alight, he told Mr Justice Kees van Dijkhorst.

The hearing continues.

Councillors 'knew of protest march'

THE Delmas treason trial heard yesterday that although Lekoa councillors were aware that a rent protest march and work stayaway had been planned on September 3, 1984 they did not think or believe these would take place.

Mr Piet Mokoena, a Sebokeng councillor said this during cross examination in the trial of 22 people charged with high treason, incitement to murder and furthering the aims of a banned organisation.

Emergency meeting

In reply to questions put to him by Mr George Bizos, SC, for the defence, Mr Mokoena said he had heard that the majority of the residents were to take part in the march to show rejection of the R5,90 rent increase. He added that, he was not sure whether the march would materialise.

He also said that no emergency meeting had been called by the council before September 3, 1984. However, three days before the unrest erupted, Mr Essau Mahlatsi, the mayor, called him to his office to tell him that councillors were to be attacked on Monday.

(Proceeding)

Treason trial told of mistakes

MARITZBURG — Defence counsel in the treason trial here of four trade unionists alleged yesterday that "not a single one" of 10 more transcripts to be used as evidence in the trial were "completely good".

On trial are South African Allied Workers Union leaders Mr Thozamile Qweta; Mr Sisa Njikelana; Mr Samuel Kikine and Mr Isaac Ngcobo.

Advocate Mr M Moerane said the transcripts were at times incorrect during the cross-examination of Warrant Officer B Hattingh, who had listened to recordings of meetings and compared them to the transcripts before the court.

FAITHFUL

Warrant Officer Hattingh had said the transcripts "contained a faithful reflection of what is on the tapes".

Last week Mr Moerane alleged that other transcripts of recorded meetings and telephone conversations were incoherent "gibberish" and "bristled with errors".

Mr Moerane said one of the "better recordings" of a Saawu meeting held in East London in April 1981 contained a telephone conversation which was "totally out of context".

The call, made to the African Workers Union office, could be "clearly heard" in the middle of a speech recorded at the Saawu meeting.

Warrant Officer Hattingh agreed that the telephone call was entirely out of context and said he did not know how it had happened. He also agreed that there had been mistakes in the transcripts. — Sapa.

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No milk in many areas as strike goes on

Milk deliveries to large parts of the Reef are still being affected by a strike at the Clover Dairy in Mayfair, Johannesburg.

The strike, involving about 300 black staff at Clover, a National Co-operative Dairies subsidiary, began on Wednesday.

Although white staff members have kept the dairy's manufacturing plant going, only hospitals, old age homes and major retail stores have received milk in the past three days.

Areas affected by the strike are central Johannesburg, southern suburbs, the West Rand, Soweto, Kagiso and Eldorado Park. No house-to-house deliveries have been made and no small supermarkets or cafes have received milk.

The public has been asked to collect milk from the Mayfair depot in Dolphin Street.

A spokesman for the Food and Beverages Workers' Union said negotiations were continuing with management.

Judge to inspect cell of treason trial five

A Rand Supreme Court judge was today due to inspect the prison accommodation of five men appearing on a charge of treason. This followed a complaint made in court yesterday by the legal representatives of the five men.

Mr Mncedisi Hamilton Dubasi (28), Mr Jongumuzi Sisulu (26), Mr Lumkile Happy Mkefa (21), Mr David Matsoso (24) and Mr Joseph Themba Maja (25), all of Soweto, are facing charges of treason and charges under the Internal Security and Terrorism acts.

They have pleaded not guilty.

Mr H P Viljoen SC, appearing for the five men, said there had been a marked deterioration in the accommodation of the men since they had been moved from Pretoria Central Prison to Leeuwkop Prison for the purposes of the trial.

He said they were at present being housed in a shower-room.

Because the trial was expected to be a lengthy one, Mr Viljoen asked if better accommodation could be found.

After a short adjournment to establish whether different accommodation could be found, the State outlined the problems faced by the authorities in changing the place of detention of the five men.

These problems included providing adequate security.

Mr J A Swanepoel, for the State, suggested that the present facilities be inspected and then adequate arrangements could be made.

The hearing continues.

Appearances: Mr Justice A M van Niekerk, sitting with two assessors, is on the Bench. Mr J A Swanepoel, assisted by Mr A G Berry, appeared for the State. Mr H P Viljoen SC, assisted by Mr S L Joseph appeared for the accused.

14/12/76
630A
Security laws come
under the spotlight

POWERS under Section 29 of the Internal Security Act were the subject of an appeal in the Appeal Court in Bloemfontein yesterday by the Minister of Law and Order, the Commissioner of Police and the Divisional Commissioner for Port Natal. They have appealed against the decision of Natal Acting Deputy Judge President, Justice R N Leon, to order the release from detention of Gerald Kearney, Durban director of Dia-

Kearney was detained under Section 29(1) of the Internal Security Act in his office on August 26.

It was submitted yesterday that the judge erred when he held that the discretion conferred on the designated commissioned officer, a Colonel Coetzee of the Security Branch in Durban, was objectively justifiable and that the Supreme Court had the power to intervene.

The court heard that there are features to Section 29 which indicate an intention, on the part of the legislature, that action in terms of Section 29(1) should not be subject to review by a court of law. — Sapa.

Unrest victim laid to rest in peace

W/E ARGAS 15/3/86 (2) (33)
PORT ELIZABETH. — The funeral service for an alleged African National Congress fighter took place peacefully today.

The service for Mr Thanduxolo Mbethe, 25, who died in a skirmish with the police in Vuku Road, New Brighton last month, was held in a

church in Pendta Street, New Brighton.

It was originally planned for the Dan Qege stadium, but outdoor gatherings — with the exception of sports meetings — are prohibited until March 31 in terms of the Internal Security Act. — Sapa.

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CAPE TIMES 15/3/06
Men 'held in shower'

JOHANNESBURG. — Five men accused in the Rand Supreme Court of treason, terrorism and contravention of the Internal Security Act will be moved from Leeuwkop prison to the Johannesburg prison following an in-loco inspection of their prison conditions yesterday.

Mr H C Viljoen, SC, appearing for Mr Hamilton Mncidisi Dubasi, 28; Mr Jongumzi Sisulu, 26; Mr Lumkile Happy Mkefa, 21; Mr David Matsose, 24; and Mr Joseph Themba Maja, 25, yesterday complained that their conditions of imprisonment had deteriorated after they had been moved from Pretoria to Leeuwkop for the trial.

Mr Viljoen said the men had been kept in a shower room at the prison. — Sapa

CASE 16/15/3/18
Ban: UDF
33/1
man in court

Court Reporter

THE former regional secretary of the UDF, Mr Trevor Manuel, appeared in the Magistrate's Court yesterday in connection with breaking his banning order.

CPA 10/18/86
**Issel: Charge
withdrawn 331**

Court Reporter

A CHARGE of criminal injuria against banned community leader Mr Johnny Issel was withdrawn in the Wynberg Magistrate's Court yesterday.

The charge followed an incident in Athlone in which Mr Issel, 37, of Denchworth Road, Athlone, allegedly swore at a policeman.

Ms W van Greunen was the magistrate. Ms H Alman prosecuted. Mr Issel was not represented.

15/3/86
Councillor
challenged
on evidence
331

By Andrew Beattie

DELMAS A Lekoa town councillor was challenged on his evidence yesterday that youths wearing Vaal Civic Association T-shirts had threatened voters before elections in 1983.

Councillor John Hlophekile Ngcina, of Ward 33, Boipatong, was testifying at the trial of 22 leaders of the United Democratic Front, the Vaal Civic Association, the Azanian People's Organisation and Azanian Youth Unity. The men, who are all in custody, have all denied charges of high treason, incitement to murder and subversion during campaigns against elections under the Black Local Authorities Act and against rent increases.

Mr Ngcina said that youths wearing UDF and VCA T-shirts disrupted his pre-election meetings in 1983.

Mr George Bizos SC, for the defence, said that at no time had VCA T-shirts ever been made.

Mr Ngcina also testified that he had successfully tendered R760 000 for a beerhall in Lekoa within months of being elected councillor.

The hearing continues.

Violence recalled

A LEKOA councillor told the Delmas Circuit Court yesterday how he had rushed to the home of Mayor Mr Esau Mahlatsi on September 3, 1984 after receiving a report that Mr Mahlatsi was being killed.

Mr Arthur Zulu Jokozela was testifying in a trial of 22 people accused of high treason, incitement to murder, terrorism and subversion. They have all pleaded not guilty to the charges before Mr Justice Kees van Dijkhorst who is sitting with two assessors.

He told the court that on September 3 — the day unrest broke out in the Vaal Triangle townships — he went to his dry cleaning business at 2am to see if everything was in order. The reason was that he had heard that something might happen. He found his business still intact and went home.

About 7.30am he returned and found other shops in the complex closed. He went home and found Mr Mahlatsi's wife. She told him that her husband was being killed and asked him to go and check on him.

"I immediately took her to her family in Zone 13, Sebokeng, and thereafter drove to Mr Mahlatsi's house in Zone 11. On arrival I found their house in flames. He was not there and I did not find him that day," he said.

He said he had hid himself in the house on September 3 and it was not attacked. The following day he had gone with his son to look at his business. He did not go nearer, but sent the son because he was scared.

Two days thereafter when he went to his business again, he found it burned down. Damage caused was estimated at R38 000.

(Proceeding)

18/3/86
331
SOWETAN

Residents happy with rent increase, treason trial told

Staff Reporter

DELMAS — A town councillor from Sebokeng in the Vaal Triangle said at the treason trial in Delmas yesterday that some residents were so happy with a proposed rent increase, due to be implemented on September 1 1984, that they paid it in advance.

Mr Arthur Zulu Jokozela, a State witness in a trial involving 22 leaders of the United Democratic Front, the Vaal Civic Association, the Azanian People's Organisation and the Azanian Youth Unity, said no-one had complained about the increase at a meeting he called in August 1984.

The 22 accused have denied charges of high treason, subversion, incitement to murder and to furthering the aims of the African National Congress and the South African Communist Party.

Mr Jokozela, councillor for Ward 37 in Sebokeng since shortly before the riots of September 1984, said in reply to a question during his evidence that the people he addressed at the August meeting were happy to pay a rent increase of between R5,50 and R5,90 a month. He explained that increases for hostel dwellers in his ward would be slightly less.

Mr Jokozela said that "a good

crowd" had attended the meeting.

He said that he was elected a councillor in June 1984 and had not been troubled by intimidation during his campaign.

An earlier witness, Mr John Mgcina, who was also a councillor at the time of the Vaal Triangle unrest, told the court that he had been threatened prior to the unrest on September 3 1984, but that he did not report the matter to the police.

Mr Mgcina said that he had been approached by a group of youths who told him that councillors were not wanted and that they must resign.

He added that the youths, at least one of whom was known to him, had threatened to burn him unless he resigned.

Under cross-examination by counsel for the defence, Mr George Bizos, Mr Mgcina said it had not occurred to him to report the incident to the police as he did not know that intimidation and threats constituted a crime.

Mr Mgcina also said under cross-examination that he had not been aware of any calls for a work stayaway on September 3 1984.

"Prior to the that date I had no idea of a stayaway," he added.

The hearing continues.

SWEETMAKING INDUSTRY, EAST LONDON

Parties, Employer Organisation: Wilson-Rowntree (Pty) Ltd.
Trade Union: Sweet Workers' Union

Magisterial Districts of East London

Area

Witnesses recall horror of 'Toti shops bomb blast'

Own Correspondent

DURBAN — Mr Andrew Sibuisiso Zondo (19) pleaded not guilty in the Supreme Court in Scottburgh yesterday to five counts of murder and one of attempting to murder members of the public in December's Amanzimtoti bomb blast.

Mr P L Skweyiya, for Mr Zondo, did not wish to outline his client's defence at this stage.

Mr Ross Stewart, for the State, said he would lead evidence that Mr Zondo went to the Amanzimtoti Sanlam centre with an acquaintance and carrying a sports bag containing a limpet mine and detonator which was put in a rubbish bin and exploded at about 11 am.

Survivors of the blast would give evidence and there would be evidence of later acts by Mr Zondo.

The first State witness, Miss Lethea Magena, said she worked for Mr and Mrs van Wyk of Vereeniging and the family, including Marisa (5) and Willem (2), were on holiday. Willem was one of those killed.

Miss Magena said she was sent on an errand to the centre and took the children with her. Marisa went into a shop for an ice cream while she held Willem. As the little girl came out of the shop there was an explosion and something struck her foot.

'Incredible blast'

"Then something struck me in the left eye, which was destroyed immediately. I now have an artificial eye. The last I knew of Willem was when we both fell and were looking at one another.

"Willem grabbed me by the left wrist then let go. As far as I know he died right there."

She said Marisa was still suffering from her injuries.

Another witness, Mrs Lynette Lott, broke down as she told how her friend Mrs Anna Shearer sat up and called to her before dying.

The two were leaving the centre but Mrs Lott stopped to talk to a friend. Mrs Shearer walked on and there was "an incredible blast".

"Anna was lying opposite me. She sat up and called my name and then fell back."

Sobbing, Mrs Lott said she had not been able to move to help her. She believed Mrs Shearer must have died immediately because there was blood all over her mouth and nose.

Mrs Lott's right leg and arm were injured. She now has difficulty walking, despite a number of operations.

Mrs Shearer was married and the mother of an 18-month-old baby and two teenaged children.

Another witness described how he was helping his wife choose a bracelet when the bomb exploded.

Transvaaler Mr Dennis Mellors said he was standing against a dustbin with his children, niece and nephew when his wife called him into a gift shop.

After the blast he found himself turned away from the counter, crouching, and said his first instinct had been to run.

He then remembered his family and went to his wife, who was screaming.

He found his son under a pane of glass and handed him to his wife then ran to look for his daughter. She was lying on the shop floor.

They were all injured. His wife was still very shocked and had difficulty going shopping. His son had become incontinent, did not want to go to school and did not like to be among people.

(Proceeding).

Crucial word not on tape

MARITZBURG — The Judge President of Natal, Mr Justice John Milne, said in the treason trial of four union leaders yesterday that it was "extraordinary" that a transcript of a speech contained a "crucial" word that did not exist on the original tape-recording.

The defence claims that the State relied on the missing word "ngowethu" to link the South African Allied Workers Union (Saawu) with the self-exiled South African Congress of Trade Unions (Sactu).

Mr Marino Moerane, for the defence, also said words in the indictment quoting one accused, Mr Thozamile Gqweta, as saying of Sactu: "It is ours" do not appear in either the tapes or the transcripts.

Warrant-Officer B Hattingh of the Security Police agreed that the word "ngowethu" was not on tape, and said he had made a mistake by not telling the court about the missing word.

The hearing continues today. — Sapa.

Father of 3 Toti victims hits accused

THERE was drama at the Amanzimtoti bomb blast trial yesterday when a man — who was wheeling a badly-wounded victim out of the Scottburgh Supreme Court — punched the accused in the face.

Wheelchair witness John Bothma had earlier wept as he described the bomb blast in which his sister died, and he and his brother were badly injured.

The man who threw the punch was later identified as Bothma's father. The accused, Andrew Zondo, 19, staggered back and Bothma continued to wheel the witness from the courtroom.

Zondo has pleaded not guilty to five counts of murder and one of attempting to murder members of the public.

Mr Justice Leon told State counsel to tell Bothma he must control himself. He said no one was to touch the accused during the trial.

Mr Justice Leon also said he had been informed that a member of the public was heard to say: "Kill him." He warned that anyone making remarks of that sort would be removed from the court.

John Bothma gave evidence that his family went on holiday to Amanzimtoti regularly. On the morning of December 23, he drove his brother, Gavin, 13, and his sister, Sharon, 16, to the Sanlam shopping centre where they spent an hour.

As they were leaving he felt a terrible shock going through him, like an electric shock. He found himself lying on the ground. Sharon was also on the ground but at first he could not see Gavin.

He heard Sharon scream and thought: "Thank God, she is OK". He said Sharon died later that day.

Bothma said that as a result of the injuries to his legs, he could now only "shuffle, that is about all". He said he was in constant pain.

Gavin's left leg was badly injured and he had shrapnel in his eyes. He had had three operations on one eye and was to have another.

The hearing continues today.

Cleric threatened with assault - evidence

331 19/3/86

AN accused in the Delmas treason trial, the Rev Geoffrey Tebogo Moselane, was threatened with assault by some members of the Lekoa Town Council after a meeting in Bophelong to explain rent increases was disrupted, the court was told yesterday.

The court also heard that Mr Moselane (39), a Sharpeville Anglican priest, was subjected to about 30 minutes of interrogation at his home and accused of allowing the church to hold rent protest meetings.

Giving this evidence under cross-examination was Mr Arthur Zulu

Jokozela, a Lekoa councillor. He was testifying in the trial of 22 men charged with high treason, alternatively incitement to murder, subversion and terrorism. They have pleaded not guilty to the charges before Mr

**By NKOANE
MAKOBANE**

K van Dijkhorst.

The charges arise from unrest that broke out in the Vaal Triangle townships during September 1984.

Mr Jokozela told the court that after their August 29, 1984, meeting had ended abruptly, the councillors held an impromptu meeting in the veld outside Bophelong township.

It was decided that

they should go and see Mr Moselane to find out if it was true rent meetings were being held at St Cyprian Church. Several councillors felt their meetings were disrupted because of meetings held at Mr Moselane's church.

Mr Jokozela denied when questioned by Mr George Bizos, SC, for the defence, that the reason for the visit was to intimidate Mr Moselane. He conceded that there was a threat to assault him but said he could not say if there was a threat to kill him.

— DAILY DISPATCH, WEDNESDAY, MARCH

EL blasts: no bail for two men

Dispatch Reporter

EAST LONDON — Bail was refused in the magistrate's court here yesterday for two men appearing in connection with charges following a series of bomb blasts in East London last year.

Mr Khaya Carmichael Libaza and Mr Andile Hewukile, both 25 and from Zone 1 in Mdantsane, are facing charges of murder, attempted murder, terrorism and possession of arms and ammunition.

Yesterday Mr W. Kingsley, from the attorney-general's office in Grahamstown, submitted an order opposing bail in terms of the Criminal Procedures Act.

The trial date was set for August 18, and the magistrate, Mr W. Opperman, said the summary trial would be held in the regional court.

The men are appearing in connection with bomb incidents at:

- The East London City Hall which caused R24 000 damage;
- The King's Hotel in East London (where the bomb did not detonate);
- Swan's Motors in Amalinda where R16 000 damage was caused and Mrs L. Biagio and her 12-year-old son, Clinton, were injured.

The state alleges that the men murdered Constable Lungisile Bhekiso near Mount Ruth Station last year and attempted to murder Ntsikelelo Shadrack Sizani, Robert Graham Keith, Johannes Rennie Venter, Josias Alexander Crous and Nolan Warren Schlemmer.

Mr Abraham Magqabi appeared for Mr Libaza and Mr Hintsa Siwisa appeared for Mr Hewukile.

DISPATCH 19/3/86

331

FILE

FILE
Taser Martin
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rently a wet

Man punches accused in bombing trial

CAP-TIME 19/3/86
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SCOTTBURGH. — There was drama yesterday in the Supreme Court here when a man wheeling a wounded victim of the Amanzimtoti bomb blast out of court punched the accused in the face.

The wheelchair witness, Mr John Bothma, had earlier broken down and wept as he described the bomb blast in which his sister died and he and his brother were badly wounded.

The man who threw the punch was later identified as Mr Bothma's father. The accused, Mr Andrew Zondo, 19, staggered back and Mr Bothma continued to wheel the witness out of the court.

The judge, Mr Justice Leon, said: "No one is to touch the accused or lay hands on him during this trial."

Earlier, Mr John Bothma broke down after being asked the effect of the bomb blast on his family.

He said: "Our lives are

a total mess. Nothing is the same."

His father had been worst affected.

Mr Bothma said his family often went on holiday to Amanzimtoti.

On the morning of December 23 he drove his brother Gavin, 13, and his sister Sharon, 16, to the Sanlam shopping centre to buy presents.

As they were leaving he felt a terrible shock going through him and found himself lying on the ground.

Sharon died later that day.

Mr Bothma said that as a result of the injuries to his legs, he could now only "shuffle, that is about all". He said he was in constant pain.

Gavin's left leg was badly injured and he had shrapnel in his eyes.

He had had three operations on one eye and was to have another.

Then he would have shrapnel removed from the other eye. His brother could see "but

very blurry". — Sapa

Treason trial judge slams transcript error

MARITZBURG — The Judge President of Natal, Mr Justice John Milne, said yesterday that a transcript being used as evidence in the treason trial in Maritzburg was an "extremely slovenly piece of work" and "not trustworthy."

The men on trial are Mr Thozamile Gqweta, Mr Sisa Njikelana, Mr Sam Kikine and Mr Isaac Ngcobo.

The State allegedly relied on a passage from the transcript to prove that the South African Allied Workers' Union, of which the four accused are leaders, tried to cripple the South African economy.

Mr Marino Moerane, for the defence, said the word "imveliso", as used on the transcript by the State as meaning "economy", meant "production" and was used with reference to the Wilson Rowntree factory.

He said it was a "material mistranslation" of a phrase that meant only the dislocation or harming of production at the sweet factory and had no reference to the economies of South Africa or East London.

Warrant Officer B Hattingh, of the Security Police, agreed that there were many errors in the transcripts.

The hearing continues. — Sapa.

19/3/86
SPAR

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Toti blast accused punched in court

Own Correspondent

SCOTTBURGH — There was drama in the Circuit Court yesterday during the Amamzimtoti bomb trial when a man who was wheeling a badly wounded blast victim out of court after he had given evidence punched the accused in the face.

The wheelchair witness, Mr Willem Bothma, had earlier wept as he described the blast, in which his sister died and he and his brother were wounded.

The man who threw the punch was later identified as Mr Bothma's father.

The accused, Mr Andrew Zondo (19), staggered back, and Mr Bothma continued to wheel the witness from the courtroom.

The judge, Mr Justice Leon, asked what had happened.

He told the State counsel to tell Mr Bothma to control himself.

"As far as the accused is concerned, he is presumed to be innocent until he is proved guilty. No one is to touch the accused or lay hands on him during

this trial."

The judge said he had been informed that a member of the public had been heard saying "Kill him". He warned that anyone making such remarks would be removed from court.

In his evidence, Mr John Bothma testified that his family went to Amanzimtoti on holiday quite regularly.

On the morning of December 23 he drove his brother Gavin (13) and his sister Sharon (16) to the Sanlam Centre, where they spent about an hour buying presents.

As they were leaving, he felt a terrible shock go through his body, like an electric shock.

He found himself lying on the ground next to Sharon.

He heard her scream, and thought: "Thank God, she is all right." But she died later that day.

Mr Bothma said that as a result of the injuries to his legs he could now only "shuffle along" and was in constant pain.

The hearing continues.

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Vaal rent rise was cause of unrest, treason trial told

Staff Reporter

DELMAS — The rent increase which was to be implemented in the Vaal Triangle in September 1984 was a material cause of the unrest which swept the area that month, a Sebokeng councillor told the treason trial in Delmas yesterday.

Mr Arthur Zulu Jokozela, a State witness in the trial of 22 leaders of the United Democratic Front, Vaal Civic Association, Azanian People's Organisation and Azanian Youth Unity, said in cross-examination that it was the only "main reason advanced".

The accused — in custody pending a new bail application set down for this week — have denied charges of high treason, subversion and incitement to murder. They have also pleaded not guilty to charges of furthering the aims of the ANC and South African Communist Party.

Mr Jokozela, who has been a Sebokeng councillor since shortly before the unrest in September 1984, said in answer to a question that he agreed with the statement that the rent increases were a material cause of the unrest.

Under re-examination by Mr W J J Hanekom for the State, Mr Jokozela reiterated what he had said under cross-examination. "I said that, and I still say that. That was the major rea-

son advanced."

In earlier cross-examination by Mr George Bizos, for the defence, Mr Jokozela said that with hindsight, armed with the knowledge of what happened in the Vaal Triangle after the rent increase, it would have been better to have suspended them when the Lekoa Council met to discuss the issue on August 28.

"During that meeting it did not occur to us," he said.

In his evidence-in-chief on Monday, Mr Jokozela said that when he held a meeting in early August to explain the rent increases to his constituency, everyone had seemed happy.

"No one complained ... some of them were so happy that they paid the rent increase there and then and we had to refund them."

The second witness to testify yesterday was also a councillor from the Vaal Triangle.

Mr Simon Mofokeng said he had come to know of the existence of the Vaal Civic Association only after the events of September 3 1984.

He had also received threatening phone calls in the week leading up to the outbreak of unrest on September 3 but did not know the identity of the caller.

The hearing continues.

'Council, priests discussed churches'

A MEETING between members of the Lekoa Town Council and priests in the area during August 1984 over the use of church buildings for political meetings was yesterday recalled in the Delmas treason trial.

Mr George Bizos, SC, for the defence, told a witness, Mr Simon Phokojoe Mofokeng, a Sharpeville councillor, that at the meeting the priests were told that their leasehold rights would be cancelled if their churches were used to discuss politics and rent related issues.

Mr Mofokeng, a Bafutsana Party member, denied that this was said. He said Mr Esau Mahlatsi, the Lekoa

mayor, had told the clergymen that his council wanted peace between the two groups. He had also said his council wanted to foster relationships with churches and if they were not satisfied about something the doors were open for discussions.

Mr Mofokeng said he had heard Mr Mahlatsi tell a clergyman that the council was not satisfied that churches were involving themselves in politics. He had however, not heard clergymen being told to confine themselves to church matters because "civic politics and community affairs were the business of the council".

APARTHEID BAROMETER

EMERGENCY DETENTIONS (July 21 1985 - Mar 7 1986)

Total number of people detained: 7992

Number released Mar 7: 292

Summary of emergency detentions (Feb 28):

Transvaal 3398 (42,8%)

Eastern Cape 3246 (40,9%)

Western Cape 1288 (16,2%)

An average rate of nearly 1100 people were detained each month under the State of Emergency (over 35 a day).

SECURITY DETENTIONS (Feb 28, 1986)

Number of persons believed to be in detention on Mar 10: 241

Summary by detention status:

Internal Security Act, S. 28 8

ISA, S. 29 133

ISA, S. 50 71

ISA, S. 31 9

Ciskei National Security Act 5

Transkei Public Safety Act 6

Venda Terrorism Act 9

PERSONS BANNED UNDER EMERGENCY REGULATIONS

Total 68

Transvaal 5

Eastern Cape 2

Western Cape 61

PERSONS BANNED UNDER SECURITY LEGISLATION

Number of people banned: 12

Henry Fazzi, 56, UDF Eastern Cape vice president and a former Robben Island prisoner and Mkhoseli Jack, 27, Port Elizabeth Youth Congress president and Eastern Cape Consumer Boycott leader, were banned for five years on Tuesday.

POLITICAL TRIALS

Trials completed Dec 1985 - Feb 1986: 40

Trials completed Dec 1985: 9

Trials completed Jan 1986: 15

Trials completed Feb 1986: 16

Number on trial: 285

Number convicted: 46

Number acquitted: 77

Charges withdrawn: 162

Breakdown of people on trial: Treason: 13 (convicted 1; acquitted 12).

Murder: 19 (convicted 5; acquitted 9; withdrawn 5).

Terrorism/furthering aims of banned organisations/possession of weapons: 50 (convicted 32; acquitted 18). Public

violence/subversion/intimidation/assault: 12 (convicted 3; acquitted 2; charges withdrawn 7). Illegal gathering: 183 (convicted 1; acquitted 34;

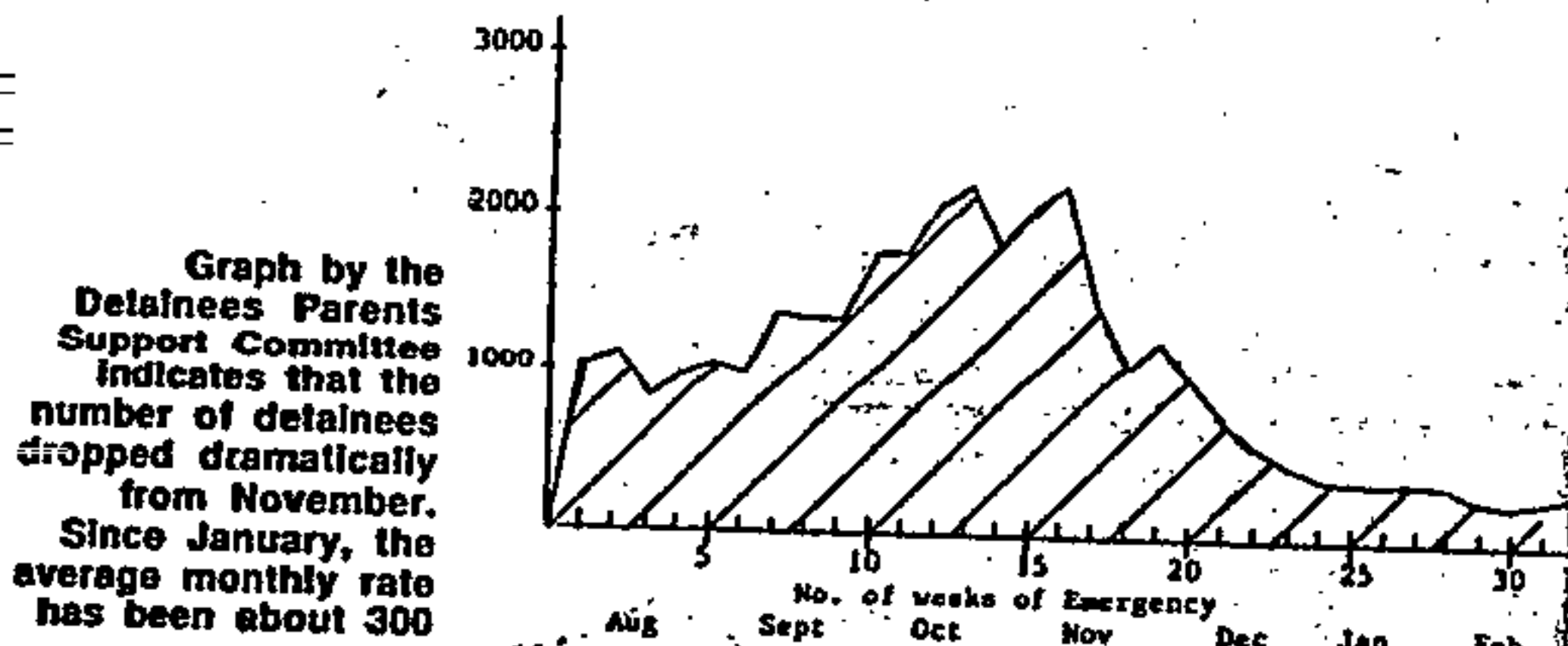
charges withdrawn 148). Possession of banned literature: 6 (convicted 4; acquitted 1; charge withdrawn 1); Breaking banning order: 1 (charge

withdrawn). Prisons Act conviction (appeal upheld).

Number still on trial March 1: 246

Treason: 32

Internal Security Act: 214



CONSCIENTIOUS OBJECTION

Two conscientious objectors appeared before the Board of Religious Objectors last week. Phillip Wilkinson, 22, from Port Elizabeth was refused religious objector status but was granted non-combatant status which he refused to accept. David Raimund Bosch, 26, son of theologian Professor David Bosch, was granted community service.

SADF SUICIDES (SADF figures)

A total of 74 people serving in the SADF committed suicide in the past 30 months, the Minister of Defence, General Magnus Malan, said.

GROUP AREAS ACT LAND ALLOCATIONS

More than 83 percent of the land proclaimed under the Group Areas Act by the end of last year was allocated for whites, the Minister of Constitutional Development and Planning, said in parliament. 759 402 ha out of 896 572 ha were proclaimed as white Group Areas.

BANNED BOOKS, PUBLICATIONS AND OBJECTS, Feb 28- Mar 6:
 Kiss my ass; A boss is like a nappy - always on your ass and always full of shit; Doing a job here is like being a prostitute, the better you perform the more they suck you (all three produced by persons unknown); PK 267 Kneeling on chair; PK 257 Nude in Nightgown (both by Toppan Top Stereo Zurich); Throb (Not Stated); Hers beer mug with naked man's inscription; His and Hers beer mug with naked woman's inscription "his" (both by Kernewek, Cornwell, England); Beer mug in shape of woman's breasts with inscription "Tit Bits" (not stated); Dad, why are the soldiers here? - pamphlet (Counter Propaganda Committee Western Cape M/Plain); Woman Arise - calendar (Fedtraw); June 16 Movement (not stated); Zimbabwe News, Vol 16 No 7 (Dept of Information and Publicity, Jongwe, Harare); ANC of SA fight for Mandela's Freedom - T-shirt (ANC); 11986 Africa Calendar (Vakalisa Art Ass Landsdowne); Silhouettes; Great Sporting Bodies; Golden Girls; Desk Pad; Jumbo Multipic; Supreme (all 1987 calendars by Assoc Optima Group, Johannesburg); Wilhelm van Gloeden Photographer (Charles Leslie); Crisis Cassette (WECTU Athlone Central); Lenin Selected Works (Progress Publishers, Moscow); Sleeping with soldiers (Rosemary Daniell).

Unbanned:

Vengeance is Black (George G Gilman); Basic Facts on Republic of South Africa and the Policy of Apartheid (Julian R Friedman); The ILO and Apartheid (International Labour Office, Geneva); Racism and Apartheid in Southern Africa (The Unesco Press Paris 1984); Fundamentals of Human Sexuality, second edition (Herant A Katchadourian and Donald T Lunde); Marx and Engels - a Conceptual Concordance (Gerard Bekerman); Rebel Pity - the life of Eddie Roux (Eddie Win Roux).

PRISONER OF CONSCIENCE: PETER MOKABA.

Peter Mokaba, 28, a Northern Transvaal UDF leader and former Robben Island prisoner; has been held without trial at Diepkloof (Johannesburg) prison for 271 days. He was detained under section 28 of the Internal Security Act ("preventative detention") on July 16 last year. It is his third period of detention.

Mokaba, a Unisa student, is an executive member of the Mankweng Civic Association and the Mankweng Youth Congress, both UDF affiliates. In 1980, when he was a student at Turfloop University, he was one of the founders of the Azanian Students Organisation (Asazo). Four years ago he was sent to Robben Island after being convicted for terrorism. He spent 16 months on Robben Island before being transferred to Pretoria Central and later to Pietersburg Prison while awaiting his appeal. In 1984 he was granted a re-trial after a judge found that the magistrate who convicted him should have recused himself. He was eventually acquitted of the terrorism charge and was convicted for illegally possessing a firearm. He was given a complete suspended sentence in March last year, after spending three years in jail. Four months later he was detained.

Judgment reserved in Delmas terror trial bail application

Political Reporter

DELMAS — In the treason trial in Delmas, Mr Justice Kees van Dijkhorst yesterday reserved judgment after argument in a new bail application by 22 men who are facing charges of high treason, subversion, incitement to murder and furthering the aims of banned organisations.

Judgment in this second application for bail — the first failed last year — is expected on Monday.

The men on trial are members of the United Democratic Front, the Vaal Civic Association, the Azanian People's Organisation and the Azanian Youth Unity and among them are UDF leaders Mr Terror Lekota, Mr Moss Chikane and Mr Popo Molefe.

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The hearing started two months ago and is expected to last at least a year. Some of the accused have been in custody for 17 months.

Mr Arthur Chaskalson — who argued the bail application for the defence — said that the condition listed for a new application when the first was turned down, had been met.

The condition was an improvement in the security situation and the lifting of the state of emergency.

Mr P B Jacobs, for the State, told the court that the lifting of the state of emergency was not enough and the defence had failed to show that the security situation in the country had improved to the extent where the 22 accused could be freed on bail.

Mr Jacobs also submitted that the seriousness of the charges against the 22 was sufficient to induce them to flee the country.

According to affidavits handed in on behalf of the State, there was reason to believe that, if the 22 men were freed, they would contribute to instability in the country, threaten the security of the State, fan the unrest in the Vaal Triangle and intimidate witnesses.

In addition, Mr Jacobs argued, few of the accused had the means of providing bail and bail provided by friends and associates would not be sufficient reason for them to remain in the country to stand trial.

The State asked that bail be refused. The hearing proper will resume today.

'Toti trial: Judge says no to plea for mental observation

SCOTTBURGH — Mr Justice R N Leon yesterday refused an application for Mr Andrew Sibuisiso Zondo (19), accused in the Amanzimtoti blast trial, to be sent for mental observation.

Mr Zondo is accused of five murders and one attempted murder and has pleaded not guilty.

The judge gave his decision in the Supreme Court, sitting in Scottburgh, after the State called a senior psychiatrist at Midlands Hospital, Dr A Trengrove-Jones, who believed it would be a waste of time to send the youth for observation.

However, the judge asked the doctor to remain in court for the rest of the trial in case the position had to be reconsidered.

Earlier, the judge warned that the accused should not be touched or molested by anybody. He said the striking of the accused by a man in court and remarks encouraging people to "kill the accused" would not be tolerated.

The State called Dr Trengrove-Jones and two other witnesses to testify on whether they had difficulty communicating with the accused after Mr T L Skweyiya, for the defence, renewed his application for Mr Zondo to be sent for observation.

The doctor said he had spoken to Mr

Zondo for more than an hour and found him to be in good health. He seemed tired and depressed but this did not seem to be due to any mental illness.

Mr Zondo was emotional but very co-operative and not hard to communicate with.

A police officer, Captain Alexander Wood, also said he had no difficulty in communicating with Mr Zondo when he questioned him at Scottburgh police station from January 6 to February 24.

He had seemed worried and had said: "They are going to hang me."

SEVERELY PREJUDICED

After Mr Justice Leon refused the application, Mr Skweyiya asked for the trial to be postponed until after Easter so senior counsel could be engaged.

This was refused after Mr Ross Stuart, for the State, said Mr X, the man who allegedly accompanied Mr Zondo on the day the bomb was planted, would be severely prejudiced if he had to wait some weeks before being cross-examined.

Mr Justice Leon postponed the trial until Monday and asked Mr Skweyiya to engage a senior counsel. If he was unable to get one by then he would have to proceed on his own. — Sapa.

330-968 SA BUREAU
330-968 13 INT-2 Migrant below Lesotho, Swaziland
338-9 BAHU
331 2596 MUMF
968 298 BUREAU
331-12 BUREAU
331-0968 BUREAU

A few minutes at White River

LAST Tuesday morning, 18-year-old Mandla Shabangu boarded one of the 10 buses bound for the KaBokweni Magistrate's Court in White River.

He was one of the more than 3 000 schoolchildren from the tiny homeland township of Lekazi in the KaNgwane homeland attending the court hearing of Yvonne Mhlanga and others on charges of public violence.

On their arrival at the court they found the gates locked.

A few minutes later Mandla lay dead. Two others, Mbuso Lukhele and Saul Mkhabela, died in hospital. More than a hundred others were injured after police opened fire on the crowd.

The three — together with two victims of vigilantes in the Pienaarsriver Trust — will be buried tomorrow in a joint funeral at the Lekazi Stadium.

According to police, the courtroom could only accommodate 30. "The police therefore ordered the remainder of the mob to disperse," said a police spokesman. "When they failed to obey this order, tear smoke was fired, which did not have the desired effect. Birdshot was then fired."

Affidavits sworn to by victims and eyewitnesses differ markedly from the police version of events.

Some of the victims were reluctant to be identified "because the police have now engaged on a campaign to arrest anybody with birdshot or bullet wounds".

According to eye-witnesses who had gone to the offices of a local Nelspruit

A few minutes after a crowd of schoolchildren arrived at the gates of the KaBokweni court, three children lay dead. The reasons why are buried in confusion.

SEFAKO NYAKA reports

attorney to make affidavits, the police fired without any warning or provocation.

A spokesman for the Department of Law and Order has confirmed that a senior police officer has been appointed to investigate the shooting.

The South African Council of Churches and the Progressive Federal Party are also independently conducting investigations into the shooting.

This week a PFP team led by Peter Soal, MP for Johannesburg North, visited the scene of the shooting.

Soal said he and Tiaan van der Merwe, PFP MP for Green Point, had investigated the shootings.

He said the PFP was satisfied no damage to property had been caused by the crowd except for a fence that has since been repaired.

The two MPs spoke to employees at the Magistrate's Court, people working in the area at the time, workers at the hospital where the wounded were treated and to local leaders.

"On the 22nd of February there was a funeral of a comrade in the township. After the funeral several people were arrested following the outbreak of violence," said Moses

Fakude.

When those arrested appeared in court, the pupils decided to attend the hearing.

On their arrival at court they found the gates locked and while they were still deciding on what action to take, a white man approached the crowd.

"We later established that he was the advocate appearing for the accused.

"He told us that the court was too small to accommodate all of us and a group of six was elected to represent us."

Fakude says one of the issues the delegation was going to discuss was whether the rest of the crowd should return to the buses or would be allowed to sit outside.

His story is supported by Thomas Mnisi, who is a student at the Mgwenya Teachers Training College.

"The advocate and the rest of the delegation had scarcely moved 5m when the police opened fire without warning."

During the incident, KaNgwane Government Population and Registration clerk, Jabulani Moses Masina, who works in the same building, was also shot.

"If there was any warning, Masina and the other government employees would have moved away," said Mnisi.

The government employees had apparently been standing a few metres in front of the crowd when police opened fire.

The KaNgwane Department of Justice said it had not yet received a report of what happened.

STAR 26/3/86 330
MARITZBURG — A security policeman told the treason trial here yesterday that the monitoring of discussions in the South African Allied Workers' Union (Saawu) office in Durban in 1982, using a bugging device, was part of his daily routine.

That was the evidence of Sergeant Hans Rack, who was based in Durban at the time a number of recordings, now being used as evidence in the trial, were made.

On trial are Mr Samuel Kikine, Mr Isaac Ngcobo, Mr Thozamile Gqweta and Mr Sisa Njikelana.

Sergeant Rack told the court during cross-examination by the defence, that he "simply switched on the equipment in his office and listened at random to the discussions".

He said he also monitored conversations in several other "bugged" places.

Asked how he knew when to record certain discussions if he could not speak Zulu, Sergeant Rack said he often had information about when

Policeman tells of bugging union talks

important discussions would take place.

A second State witness, Major Joseph Benjamin, said he recorded in full a Lesotho memorial meeting in the ASP Hall in Durban on December 16 1982.

He said he had information that the meeting would be important.

A defence advocate alleged the recordings did not reflect the full meeting because there were large sections of tape on which no speech was recorded.

Major Benjamin denied the equipment he had used or the bugging device in the hall had been faulty at the time. He also denied allegations that the batteries in the recorder were flat when the recording was made.

The hearing continues.

Claims against SAP in court soon

By JO-ANN BEKKER

A MAJOR civil trial which will examine serious allegations against the SA Police and South African Defence Force on the one hand, and the standing and motives of a township civic organisation on the other, is set to begin in the Witwatersrand Supreme Court next month.

The hearing stems from an urgent application brought last month by the Krugersdorp Residents Association, its chairman Dikeme Magotla, and three township priests against the Minister of Law and Order, the West Rand Divisional Commissioner of Police, and the Minister of Defence.

Details of the issues at stake are still shrouded in secrecy as the court has embargoed all affidavits and records submitted by the parties.

The presiding judge, Justice Goldstone, originally imposed the embargo to give the SAP and SADF an opportunity to investigate and respond to the applicants' supporting

affidavits which, he said, contained allegations "of a particularly grave nature" about the conduct of members of the security forces in Krugersdorp's townships of Kagiso I and II and Munsieville.

However, last Friday Justice Goldstone extended the embargo until April 21, when a full, oral inquiry will be conducted.

The judge said the civic trial would examine whether the Krugersdorp Residents Association was entitled to seek the order against the security forces, and whether the police and the Defence Force were guilty of the alleged unlawful conduct.

In particular, evidence would be heard on whether the residents' association had the authority to make the application, when its constitution allegedly made no provision for the executive committee to institute such

proceedings on behalf of the association.

The standing of all the applicants would also be examined, and whether they were entitled to protect the alleged interests of the communities of Krugersdorp's townships.

Justice Goldstone said evidence would be led on whether the allegations of unlawful conduct by members of the SAP and SADF were wilfully false and made to "further the objectives and strategy of the African National Congress"; or, alternatively, whether the allegations were made to further the residents' association's alleged aims of obtaining publicity to promote their strategy of undermining the court authorities and the authority of the police and creating "liberated areas".

Evidence will also be heard on whether there was any violence or unrest in the areas before January this year.

Tape copies dropped as evidence

2/13/86 B. DAY
STATE counsel in the Maritzburg treason trial announced yesterday that the State would no longer rely on transcriptions of tapes of meetings held at East London as evidence against the four accused.

Andre Oberholzer made this announcement after W/O B Hattingh, who transcribed some tapes, had been cross-examined by the defence for six days.

On Wednesday, defence counsel M T K Moerane said he had searched in vain for the words "the Government is our enemy", as alleged by the State in the indictment on one of the transcripts.

He said that a faulty translation in a transcript led to the State incorrectly alleging in the indictment that one of the accused said: "we must kill our enemies".

Hattingh agreed with Moerane that the transcripts contained spelling mistakes, incorrect translations, misquotes and words that could not be found on the tape recordings.

The case was adjourned until Monday.

The accused, are: Richard Gqweta (34), Sisa Njikelana (30), Sam Kikine (37) and Isaac Ngcobo. — Sapa.

Judge warns public in Toti bomb trial

CAT 7.11.15 20/3/80 331

Own Correspondent

DURBAN. — Mr Justice Leon yesterday refused an application in the Scottburgh Supreme Court for the accused in the Amanzimtoti bomb blast trial to be sent for mental observation.

He gave his decision after the State called a senior psychiatrist at Midlands Hospital, Dr Trengrove Jones, who said he believed it would be a waste of time to send Mr Andrew Sibuiso Zondo, 19, who is appearing on five counts of murder and one count of attempted murder, for observation.

Mr Zondo has pleaded not guilty.

Mr Justice Leon, however, asked Dr Jones to remain in court for the rest of the trial because it might be necessary to reconsider the position later.

Earlier, the judge warned that the accused should not be touched or molested by any member of the public.

He said the striking of the accused by a man in court and remarks encouraging people to "kill the accused" would not be tolerated.

Dr Jones and two other witnesses were called by the State to give evidence on whether they had difficulty in communicating with the accused.

They were called after Mr T L Skweyiya, for Mr Zondo, renewed his application for his client to be sent for observation.

Dr Jones said he had consulted with Mr Zondo for more than an hour and had found him to be in good health.

He said he appeared tired and depressed and in his opinion it was not due to any mental illness.

He said Mr Zondo was very co-operative and although he was emotional he had no difficulty in communicating with him.

Dr Jones said he believed it would be waste of time sending Mr Zondo for mental observation.

Captain Alexander Wood said he also had no difficulty in communicating with Mr Zondo when he questioned him at the Scottburgh police station from January 6 to February 24.

He said Mr Zondo appeared to be worried and had told him that "they are going to hang me".

Too late for classification

BIRTHS

BENEKE. — To Richard and Robyn (nee Stacey), a daughter Catherine, sister for Graham, born at Mowbray Maternity Hospital on March 19. We praise God for this new life and thank doctors and staff for their care.

was done by the state, but the transcript is a memorandum. Furthermore, the state has never a reference to the location of the sources in the art world have never

When he learned the identity of his possibility of legal action."

Treason trial: State drops 9 transcripts

IN a dramatic development yesterday in the Pietermaritzburg treason trial, the state withdrew nine transcripts of tape-recorded meetings of the South African Allied Workers' Union (Saawu).

The state has now withdrawn 13 transcripts from a total of 25. Of those withdrawn, 11 relate to Saawu meetings in East London and two in Newcastle.

The latest withdrawal of state evidence follows repeated complaints to the bench that a number of statements attributed to the accused in the indictment did not appear in the transcripts as alleged, or were incorrectly translated.

Advocate Marino Moerane, defending the four trialists, made these allegations during cross-examination of security policeman Warrant Officer B Hattingh, who

By TONY OOSTHUIZEN
Pietermaritzburg

checked 10 of the transcripts which formed part of state evidence. The transcripts referred to Saawu meetings in East London and Durban.

The accused, Thozamile Gqweta, Sisa Njikelana, Samuel Kikine and Isaac Ngcobo are leaders of the union. Moerane said he had "searched in vain" through one of the transcripts for the words "the government is our enemy" as alleged by the state in the indictment.

He also said an incorrect translation in another transcript led to the state incorrectly alleging in the indictment that one of the accused said: "We must kill our enemies."

Hattingh agreed there were errors and said it was a "most frustrating" experience to check the transcripts

against the recordings because parts were inaudible and parts were left out.

However, he said, it was not the state's intention to mislead the court. Earlier in the week Justice Milne, on the bench, described one transcript as an "extremely slovenly piece of work" and not trustworthy.

The state allegedly relied on a passage from the transcript to prove that the union tried to cripple the South African economy.

Moerane said the word "inveliso", interpreted by the state as meaning "economy", in fact meant "production" and was used in reference to the Wilson Rowntree sweet factory.

He said it was a "material mistranslation" of a phrase which referred only to the dislocation or damaging of factory production and had no reference to the economy in

East London or Durban.

Justice Milne said it was "extraordinary" that a transcript of a speech contained a crucial word that did not exist on the original tape recording.

Moerane said the state had relied on this word, "ngowethu" to link Saawu to the self-exiled South African Congress of Trade Unions. This word did not appear in the original police recording marked "Saawu admits belonging to - Sacu". Someone, he said, had "just added it in".

Andre Oberholzer, for the state, said it was a "sleazy job". He would call on the interpreter who translated the speech from Xhosa into English to explain it, he said.

Last week the defence claimed that other transcripts of recorded meetings were incoherent and were "glibberish and bristled with errors".

State drops
evidence in
transcripts

MARITZBURG — In a dramatic development in the treason trial here yesterday, the State said it would no longer rely on nine transcripts of South African Allied Workers' Union (Saawu) meetings handed in as evidence last week.

The defence team had alleged that all the transcripts were "gibberish, bristled with errors" and that some of them were "misleading".

According to the indictment, the transcripts contained evidence of conduct the State would have relied on to prove its allegations of treason, or alternatively terrorism and furthering the aims of an unlawful organisation, against Mr Thozamile Gqweta, Mr Sisa Njikelana, Mr Samuel Kikine and Mr Isaac Ngcobo.

The transcripts referred to nine Saawu meetings held in East London between April and November 1981.

The trial was adjourned to Monday, when the State will present a "revised" indictment. — Sapa.

'Witness friend' appointed

Pretoria Bureau

The Department of Justice has announced the appointment of a "witness friend" to help in alleviating the delays witnesses sometimes encounter at trials.

The department said it was aware of and concerned about the delays and inconveniences which wasted man-hours and time.

The positive attitude of witnesses was vital, but delays at criminal proceedings were often unavoidable, said a Press statement re-

leased by the department.

It was the responsibility of the prosecutor to arrange the daily court roll. A number of factors played a role. The duration of each case had to be calculated as precisely as possible, but the fact that a case was placed on the roll for a particular day was no guarantee proceedings would start or finish on that day, the statement said.

Communication between the prosecutor

and witness was not always possible due to the lack of time available to the prosecutor and, when a court was in session, attention had to be devoted to the case on hand.

A "witness friend" has already been appointed on a trial basis in Johannesburg, Bloemfontein, Durban, Cape Town, Port Elizabeth and Wynberg.

This measure was part of the continual process to ensure the smooth administration of justice, said the statement.

UDF activist Bloch in court

CME Times 22/5/86 Court Reporter 331

UNITED Democratic Front activist Mr Graeme Bloch appeared in Wynberg Regional Court yesterday.

Mr Bloch, who was detained twice last year, was not asked to plead and no charges were put to him.

The charge sheet indicates that Mr Bloch, 29, of Stanford Street Claremont, may be charged under the Internal Security Act for addressing or attending an illegal gathering.

His appearance follows an incident which took place at Wynberg Senior Secondary School in October last year, when he was arrested while speaking at a meeting.

The hearing was adjourned to May 29.

Mr J D Hugget was the magistrate. Mr P Marais prosecuted. Mr M Parker appeared for Mr Bloch.

Reason witness

851 (331)

25/3/86

challenged on second statement

Staff Reporter

DELMAS — A State witness at the treason trial in Delmas said yesterday that, three months after making her first statement about events in the Vaal Triangle on September 3 1984, she was approached by the police to make a second statement.

The second statement which the witness — Mrs Patricia Phosisi, a Sharpeville councillor at the time of the 1984 riots — described as an "addition", contained new evidence which she had not mentioned in the first statement.

The second statement was undated but Mrs Phosisi said during cross-examination that she had sworn the "addition" at some time in January 1985. The first statement was taken from her on October 1 1984.

CROSS-EXAMINED

Mrs Phosisi was being cross-examined by defence counsel, Mr George Bizos, during the trial of 22 leaders of the United Democratic Front, the Vaal Civic Association, the Azanian Peoples Organisation and the Azanian Youth Unity.

The accused have denied charges of high treason, subversion, incitement to murder and furthering the aims of banned organisations.

Mrs Phosisi told the court that the same three policemen took both statements and that two of them were present in the court.

Asked to point them out, she indicated two plainclothes policemen who were sitting with the State attorneys.

Mr Bizos suggested to the witness that the evidence in the second statement was contrived.

In her second statement, Mrs Phosisi said she had seen a large group of people marching towards the house of a councillor. The councillor was later killed and his house set on fire.

DAMAGING

Mr Bizos suggested that such evidence was highly damaging to the accused and was an attempt to link the Vaal protest march of September 3 1984 to the death of the councillor.

Mrs Phosisi said that the "addition" to her statement described events she had seen on September 3.

She told the court she was visiting the home of relatives on September 3 and had witnessed the protest march. Shortly after the crowd had turned down a lane towards the councillor's house, she saw smoke coming from the area.

Asked by the defence to point out on a map the location of the councillor's house from the home she had been visiting on that day, Mrs Phosisi indicated an area in the opposite direction.

The hearing continues.

GMT Times 25/3/86 (331)

Youth leader appeals on terror sentence

Supreme Court Reporter
RAVENSMEAD youth
leader Trevor Wentzel,
25, who is serving a five-
year terrorism sentence
on Robben Island, ap-
pealed against his con-
viction and sentence in
the Supreme Court yes-
terday.

He was jailed on Janu-
ary 9 last year for his
part in preparing for the
firebombing of MP Mr
Hansie Christians's
home. Nobody was hurt
but damage of R2 000
was caused.

Mr A M Omar said
Wentzel had not partici-
pated in making or
throwing a petrol bomb,
and had tried to per-

suade his associates not
to do so either. He had
successfully dissuaded
two of them.

Mr Omar said the
courts should assist
those who tried to pre-
vent violence, and this
should have led to a por-
tion of Wentzel's sen-
tence being suspended.

Mr P J A van der
Merwe, for the State,
submitted that despite
his protests, Wentzel
had supplied the petrol.

Judgment has yet to be
given on a date not yet
specified.

Mr Justice M R de Kock
and Mr Justice A J Lategan
presided. Mr Omar, instruct-
ed by Mr R Vassen and Co,
appeared for Wentzel.

Adjourned Toti trial awaits SC

Day 25/3/86 331
THE trial of Andrew Zondo, who is alleged to have planted the Amanzimtoti bomb, was adjourned until April 1 by the Scottburgh Supreme Court yesterday.

Mr Justice Leon ordered the adjournment to enable Zondo's attorneys to engage senior counsel.

The application for the adjournment was opposed by prosecutor Ross Stuart.

He said it was grossly unfair that state witness X, who had already given evidence in chief, should have to wait to be cross-examined.

The judge agreed it was a highly unsatisfactory situation.

He felt it might be erring in generosity in granting the application, but said it was a serious case.

He said Roy Allaway, the senior counsel who would be available on April 1 to take the case, was an eminent advocate with great experience in criminal matters.

He added it was the last time an adjournment would be granted.

Zondo has pleaded not guilty to murdering five people who died in the bomb blast in the Sanlam Centre, Amanzimtoti, last December 23.

He has also pleaded not guilty to attempted murder. — Sapa.

Cape Times
26/3/86

331

Bugging union was 'part of daily routine'

MARITZBURG. — A security policeman said at the treason trial here yesterday that monitoring discussions in the South African Allied Workers' Union (Saawu) office in Durban in 1982 by means of a bugging device was part of his daily routine.

This was the evidence of Sergeant Hans Rack, who was based in Durban when a number of recordings being used as evidence in the trial were made.

On trial are four Saawu leaders — Mr Samuel Kikine and Mr Isaac Ngcobo, who were

both in charge of the Durban office, and Mr Thozamile Qweta and Mr Sisa Njikelana, who were based in East London at the time.

Sergeant Rack told the court during cross-examination by Mr Clifford Mailer, for the defence, that he "simply switched on the equipment in his office and listened at random to the discussions".

He said he also monitored conversations in several other "bugged" places.

Asked how he knew when to record certain discussions if he could not speak Zulu, Sergeant Rack said that he often had information at his disposal about when important discussions would take place.

The second State witness, Major Joseph Benjamin, told the court he had recorded in full a Lesotho memorial meeting in Durban's ASP Hall on December 16, 1982.

He said he had had information that the meeting would be important and therefore monitored and recorded the meeting himself.

Mr Mailer alleged that the recordings did not reflect the full meeting because there were large sections of tape on which no speech was recorded.

"It is clear from the humming that the machine was still recording but for some 20 minutes there is no other sound," he said.

Major Benjamin denied that the equipment he had used or the bugging device in the hall had been faulty.

He also denied allegations that the batteries in the recorder had been flat when the recording was made.

The trial continues today. — Sana

Councillors ignored 26/5/86 331 STAR 2456 march — witness

Staff Reporter

DELMAS — Vaal Triangle councillors were aware that residents were to march on the administration offices on September 3 1984 but did nothing about it, a State witness told the Delmas Circuit Court yesterday.

Mrs Patricia Phosisi, a Sharpeville councillor at the time of the outbreak of the 1984 disturbances, said this under cross-examination by Mr George Bizos SC, during the trial of 22 leaders of the United Democratic Front, the Vaal Civic association, the Azanian People's Organisation and the Azanian Youth Unity.

They have denied charges of treason, subversion, incitement to murder and furthering the aims of banned organisations.

Mrs Phosisi said she was told by a fellow councillor who had attended a meeting at the Sharpeville Anglican Church, that there was strong opposition by residents to the proposed rent increases in the area.

Asked by Mr Bizos if members of the Lekoa Council had been aware of a planned work stayaway and that residents were planning to march on the administration offices on September 3, she replied: "We knew, but did not discuss it, formally or informally".

She denied there had been confusion and rowdiness at a residents' meeting convened by councillors on August 5.

NO JUSTIFICATION

But she conceded that during the meeting councillors had spoken "in more than one voice", some blaming authorities above the council for proposing the rent increases, while others took blame on their own shoulders.

Mr Bizos put it to Mrs Phosisi that "to add insult to injury", a councillor had said there was no justification for people's complaints about the new rents as some men in the community could afford to spend money

buying liquor.

Mrs Phosisi said residents did not regard the remark as an insult because they did not respond. However there had been a shouting match when a Mrs Motloung accused Mr Mokate, a councillor, of corruption and of having deprived an old woman of her home by evicting her.

After the meeting, there had been a scuffle when Mrs Motloung and some residents pulled Mr Mokate around.

At a meeting of the executive council on August 16, Mrs Phosisi had announced a decision to increase rents in the Vaal Triangle. It was decided a petition would be sent to the town clerk if there was dissatisfaction from members of the community, she said.

Mrs Phosisi said councillor Mr Chakane had objected to the increase because of the high rate of unemployment and the economic climate.

The hearing continues.

Witness denies 'false evidence'

231 Soweto 7/11/88
A STATE witness yesterday denied in the Delmas Circuit Court that she had fabricated her evidence to mislead the court.

Mrs Patricia Phosisi, a Sharpeville councillor, was testifying in the trial of 22 people charged with high treason, alternatively incitement to murder, subversion and terrorism.

They have all pleaded not guilty to the charges.

Under cross-examination by Mr George Bizos, SC, for the defence, Mrs Phosisi denied giving the court misleading and false evidence to incriminate the accused.

She said: "God is the only person who knows that I am telling the truth."

Mr Bizos told her that in her evidence-in-chief she had said on September 3, 1984, she had seen the local residents marching to Houtkop in protest against the proposed rent increases.

Mr Bizos said: "In

your evidence-in-chief you said you saw these people marching and after they had passed where you were standing you saw them starting to trot. But, today (Tuesday) you said you never saw them trotting but walking at a fast pace.

Mrs Phosisi denied contradicting the evidence with the main aim of giving false evidence against the accused.

She also said under cross-examination by the defence that she only realised on September 3 on the day of the march that most people in the Vaal Triangle were against the proposed increased rent.

He also said that when she reported to her ward executive committee about plans by the Lekoa Town Council to increase rent, "they were very happy about the proposed increases".

(Proceeding)

DISPATCH 26386 SOKJETAN
331

Court told of bugging device in Saawu office

PIETERMARITZBURG

— A security policeman told the treason trial here yesterday that the monitoring of discussions in the South African Allied Workers' Union office in Durban in 1982, using a bugging device, was part of his daily routine.

This was the evidence of Sergeant Hans Rack, who was based in Durban at the time a number of recordings that are being used as evidence in the trial were made.

On trial are four leaders of the union. They are Mr Samuel Kikine and Mr Isaac Ngcobo, both of whom were in charge of the Durban office, and Mr Thozamile Gqweta and Mr Sisa Njikelana, who were both based in East London.

Sgt Rack told the court during cross examination by Mr Clifford Mailer for the defence, that he "simply switched on the equipment in his office and listened at random to the discussions".

He said he also monitored conversations in several "bugged" places other than the Saawu office.

Asked how he knew when to record certain discussions if he could not speak Zulu, Sgt Rack said that he often had information at his disposal about when important discussions would take place.

A second state witness, Major Joseph Ben-

jamin, told the court that he recorded in full a Lesotho memorial meeting in the ASP Hall in Durban on December 16, 1982.

He said he had information that the meeting would be important and therefore monitored and recorded the meeting himself.

Mr Mailer alleged that the recordings did not reflect the full meeting because there were large sections of tape on which no speech was recorded.

"It is clear from the humming that the machine was still recording, but for some 20 minutes there is no other sound."

Major Benjamin denied that the equipment he had used or the bugging device in the hall had been faulty at the time. He also denied allegations that the batteries in the recorder were flat when the recording was made. The trial continues today. — Sapa

'No objection to rent hike'

RESIDENTS in the Vaal Triangle had not objected to a proposal by the Lekoa Town Council to increase rent in the area by R5,90, the Delmas Circuit Court was told yesterday.

This was said by Mr Hendrick Mathysen, the

treasurer of the Lekoa Town Council at the trial of 22 people charged with high treason, or alternatively incitement to murder, subversion and terrorism.

They are appearing before Mr Justice K Dijkhorst, sitting with two assessors. They have pleaded not guilty to all the charges.

Projects

In his evidence-in-chief, Mr Mathysen said the council had decided in June 1984 to increase rents by R5,90. This was to increase revenue for proposed projects. He said the council needed

about R37-m to implement their projects and the proposed rent increases would enable the council to raise R5-m "to make up the needed R37-m".

He said the council deferred the proposed increases following the disturbances in the area which started on September 3, 1984. The council, Mr Mathysen said, had anticipated introducing the increases at the beginning of September but "when rioting started we had not yet introduced the increases because the Government had not approved them."

(331) SOWETAN 27/8/86

Recorded evidence is original — expert

STAR
27/3/86
331

MARITZBURG — The treason trial at the Maritzburg Supreme Court was yesterday adjourned to Monday April 7 after the court heard expert evidence on police bugging devices and the analysis of tape-recordings.

The witness, Col Leendert Jansen, a doctor of science, said he had checked all the video and sound recordings of meetings and conversations being used as evidence in the trial and

found them to be the original copies.

On trial are Mr Thozamile Gqweta, Mr Sisa Njikelana, Mr Samuel Kikine and Mr Isaac Ngcobo.

A large portion of the evidence before the court is in the form of video and tape-recordings.

Col Jansen told the court that, with the help of sophisticated electronic equipment, he was also able to establish that none of the tapes had

been tampered with or "intentionally changed".

He said there were a number of interruptions in the recordings but they were easily identifiable as radio microphone interruptions, test recordings and sections where the recording device had been switched off.

Col Jansen will be cross-examined by the defence advocates, Mr Clifford Mailer and Mr Marino Moerane, when the hearing resumes. — Sapa.

Bishop Tutu... one of the many clerics visiting the trialists.



Judge is told about Lekoa councillors 'takeover'

By Jo-Anne Collinge

It was impossible for the executive committee of the Lekoa Town Council to discuss the virtual takeover of development board liquor outlets by individual council members because there was no quorum left after councillors with a personal stake in the matter had recused themselves.

This admission by Lekoa Council treasurer Mr Hendrik Matthysen elicited a ripple of laughter on Thursday in the Delmas court, where 22 people face charges of treason, subversion and murder arising from the Vaal rent protests of September 1984.

The distinctive chuckle of Johannesburg's Bishop Tutu was heard above others in this last pre-Easter sitting of the court. He and the Anglican Bishop Suffragan for Johannesburg East, Bishop Simeon Nkoane, were

among the dozen or more clerics who visited the Delmas trialists on Thursday.

The accused have twice been refused bail and have been in custody for periods ranging from 11 to 18 months.

During the morning session Mr Matthysen was closely cross examined by defence counsel Mr George Bizos, SC, on the budget of the Lekoa Council. According to earlier evidence, it was in an attempt to balance the 1984/5 budget that rents were to be increased by amounts of R5,90 and R5,50 a month, triggering the protests of September 3 1984.

In answer to a question as to why rental on business sites had not been increased despite the fact that there was a shortfall of more than R50 000 on such premises, Mr Matthysen said businessmen had been through difficult times. He acknowledged

that there were some who had grown rich. "Can you regard it as just that a man who is jobless, and who has children to support, must have his rent raised to benefit businessmen," Mr Bizos asked.

"It isn't good economic policy," Mr Matthysen answered. "But the moral position is that there would be more jobless people if those businesses went under."

Noting that R4,1 million was paid by the Lekoa Council to the Orange Vaal Development Board for administration, Mr Bizos asked who had determined the figure.

Mr Matthysen said this amounted to 15 percent of the income of the council, a rate determined by the development board and accepted by the council. He disagreed with Mr Bizos's suggestion that it was excessive.

But he answered, "That is so," to the comment: "The manner in which the (bud-

get) documents were drawn up would have made it difficult for most councillors to discern that 15 percent was going to the development board."

Mr Bizos said at later stage that two councillors had testified they had been unaware that a R50 electricity deposit had been proposed in the budget. Because their attention had not been drawn to this feature, they "did not even know what they were voting for".

Mr Matthysen responded that it was impossible for him to comment in his report on every item in the budget. The relevant documents had been circulated to councillors and it was assumed they had read it.

Shortly before Mr Justice K van Dijkhorst adjourned the court, Lekoa town clerk Mr N P Louw took the witness stand. His evidence will be resumed on April 7.

Robben Island man in court

CITY P
302386

331

NINE residents of Sada township near Whittlesea appeared in the Zwellitsha Regional Court this week on charges of subversion.

Among the accused is former Robben Island prisoner Joseph Mdlalo, 75. Mdlalo has spent six months in detention and is semi-paralysed.

Another accused, former Ciskei Cabinet Minister Ben Mnyataza, 76 - who is blind - did not appear with the others. He is in Mdantsane's Cecilia Makiwane Hospital.

The appearance of the nine is a sequel to the disturbances in Sada township last year.

The other accused are Sponono Sishuba, 47, Mafuna Sigabi, 37, Sheperd Mayekiso, 27, Vusumzi Panya, 23, Xolile Malobola, 33, Victor Shange, 27, Hilda Mdwaba, 50, David James, Mnyataza and Mdlalo. - Veritas News Agency

TOTALITARIANISM - POLITICAL TRIALS

1985

SEPT. - DECEMBER

BREWING INDUSTRY, WITWATERSRAND

| | |
|----------------|--|
| <u>Parties</u> | Employer Organisation: South African Brewing Industry Employers' Association |
| | Trade Union: Witwatersrand Brewery Employee's Union |
| <u>Area</u> | Magisterial Districts of Alberton, Johannesburg, Kempston Park* and Krugersdorp*. |

Judge upholds treason trial objections

Own Correspondent

331
MARITZBURG — The Judge President of Natal, Mr Justice Milne, today upheld several defence objections to the indictment in which 16 United Democratic Front activists stand charged with high treason and terrorism.

The accused are: Mr Mawalan Ramgobin (52), Mr Chanderdo Sewpershad (43), Mr Moorogih Jayahajapathy Naidoo (53), Dr Essop Essack Jassat (52), Dr Dundubela Aubrey Mokoena (52), Mr

Ephraim Curtis Mkondo (56), Mr Archibald Joseph Gumede (70), Mr Devadas Paul David (40), Mrs Albertina Sisulu (66), the Rev Frank Chikane (34), Mr Cassim Saloojee (49), Professor Ismail Mohammed (54), and four members of the South African Allied Worker's Union, Mr Sisa Njikaleni (29), Mr Sam Kikine (36), Mr Isaac Ngcobo (36) and the national chairman, Mr Thozamile Gqweta.

In a 73-page judgment today, Mr Justice Milne ruled that certain technical objections to the in-

dictment were correct.

Mr Justice Milne ruled it was competent that all 16 accused were indicted on the main charge, the treason and terrorism charges and a count of furthering an unlawful organisation.

He said it was competent to charge Mr Ramgobin, Mr Sewpershad, Mr Naidoo, Mr David and Mr Saloojee on a charge of furtherance of the aims of an unlawful organisation.

It was also competent to charge Mr David, Mr

STAR 2/9/85
Ramgobin, Mr Sewpershad, Mr Naidoo, Dr Jassat, Mr Gqweta, Mr Njikelana, Mr Kikine and Mr Ngcobonine with furthering the aims of the ANC.

He ruled it was not permissible for the State to include the accused on the charge of participating in terroristic activities with the charge of furthering the objectives of communism or the ANC.

The State has until September 9 to decide on which counts to proceed.

March on Pollsmoor: 59 in court

By ANDRE KOOPMAN
THE Bellville and Wynberg Magistrate's Courts were packed yesterday when 59 people appeared in connection with clashes last Wednesday during a planned march to deliver a message of support to Mr Nelson Mandela in Pollsmoor Prison.

Eleven people appeared in nine separate hearings in the Bellville Magistrate's Court in connection with clashes between police, residents, students and pupils in Bellville South last week, after hundreds of students marching to deliver a message of support to Mrs Dorothy Boesak, were dispersed by police.

Stonings

The 11 people appeared on charges of public violence and with interfering with the SAP and others charged with maintaining law and order.

A 14-year-old youth, two 16-year-olds and two 17-year-olds were released into the custody of their parents.

The State alleges that Mr Adriaan Erasmus, 24, of Almada Street, Bellville South, burned objects unknown to the State in a public road. Bail of R250 was granted.

Adriaan Cleophas, 20, of Osborne Street, whom the State alleges threw stones at police vehicles at Bellville South on August 29, was granted bail of R250.

Mr Jan Heugh, 38, and Mr Godfrey Bam, both of Nick Kearns Street, allegedly threw stones at police vehicles on August 28 in Bellville South. Bail of R250 each was granted.

Mr Brian Daniels, 22, of Eendrag Street, and Mr Errol van Rensburg, 30, of Dekvlet Street, allegedly burned tyres in Bellville South. They were granted bail of R200 each.

All the cases were postponed to September 20.

At the Wynberg Court, 18 people appeared in connection with incidents of unrest last week. They appeared in the Regional Court.

four youths aged between 14 and 16 were released in the custody of their parents. Mr Henry Le Roux, 20, Mr Robert Koopman, 24, Mr Enver Gordon, 23, Mr Anthony Gordon, 18, were granted bail of R150. The case was adjourned to October 4.

Mrs Elizabeth Thomas, 53, said she had been beaten by soldiers in her home. She and Mrs Denise Jonkers, 22, both of Mitchells Plain, were granted bail of R100. The hearing was adjourned to September 16.

Mr William Goliath, 27, Mr George Fritz, 19, and Mr Allie Adams, 18, all of Mitchells Plain, were granted bail of R100 each. The hearing was remanded to September 16.

Mr Dirk Daniels, 32, of Rocklands, Mitchells Plain, was granted bail of R150.

The charge against Mr Andrew du Preez, 23, of Beacon Valley, Mitchells Plain, was withdrawn in absentia as he is in Victoria Hospital.

16 youths

In another trial, a 13-year-old, a 14-year-old and a 17-year-old were released into the custody of their parents. Mr Neville Africa, 21, Mr Charles Malgas, 28, and Mr Desmond Karstens, 19, all of Manenberg, were granted bail of R150 each.

In the Wynberg Magistrate's Court yesterday, 16 youths younger than 17 were released into the custody of their parents.

Mr Kamaldien Davids, 23, Mr Igshaan Arendse, 20, Mr Salie Johnson, 20, Mr Abubaker, 19, and Mr Igshaan Arendse, 22, all of Manenberg, were released on bail.

Mr S K E Liebenberg was the magistrate. Mrs C Teuteberg prosecuted.

A University of Cape Town student, Miss Sideda Davids, was granted bail of R250 when she appeared in connection with a march at UCT last Wednesday. The hearing was adjourned to November 1.

Mr P D Theron was the magistrate. Ms N Nel appeared for the State. Mr Y Ebrahim represented Ms Davids.

Cape Times 3/9/85

331

UDF trial on September 18

Own Correspondent

MARITZBURG. — The trial of 16 United Democratic Front and trade union leaders will start on September 18 following yesterday's ruling here that the State choose either to go ahead with the treason charge or one of three alternative counts.

If the State decides to pursue the treason charge it will have to drop three of the original five alternative charges.

In a 73-page written judgment handed down here yesterday, Mr Justice Milne, Judge Presi-

dent of Natal, also ordered that further particulars be supplied to the defence.

The further particulars include the basis for allegations that the Natal Indian Congress and the Transvaal Indian Congress were committed to overthrowing the government by violence.

Terrorism

Mr Justice Milne said the State had until September 9 to decide whether to charge the trialists with treason and alternative charges of terrorism and furthering the objects of an unlawful organization.

Or the State could proceed with charges dealing "only with participation in terroristic activities, or only with the furtherance of the objects of communism, or only with the furtherance of the objects of communism and/or the African National Congress", the judge said.

'Infiltration'

The accused, who were granted bail totalling R170 000, include UDF co-presidents Mrs Albertina Sisulu, 69, and Mr Archie Gumede, 70.

Mr Justice Milne ruled that the State give details concerning a "vital part of the charge" where the Revolutionary Alliance allegedly used the UDF's national executive to "infiltrate" the organization by "establishing underground structures in the UDF".

Further particulars were also called for, showing how the accuseds' membership or active support of the Natal Indian Congress, the Transvaal Indian Congress, the Release Mandela Committee and the South African Allied Workers Union were relevant to overthrowing the government by violent means.

The court heard it was common cause that none of these organizations had unlawful objects in their respective constitutions.

UDF trial: Objections are upheld

331
3/9/85
SOWETO

THE Judge-President of Natal, Mr Justice A J Milne, yesterday upheld several defence objections to the indictment in which 16 United Democratic Front activists stand charged with high treason and terrorism.

The accused are: Mr Mawalan Ramgobin (52), Mr Chanderoo Sewpersad (43), Mr Moorogih Jayahajapathy Naidoo (53), Dr Essop Essack Jassat (52), Dr Dundubela Aubrey Mokoena (52), Mr Ephraim Curtis Nkondo (56), Mr Archibald Joseph Guemede (70), Mr Devadas Paul David (40), Mrs Albertina Sisulu (66), the Rev Frank Chikane (34), Mr Cassim Saloojee (49), Prof Ismail Mohammed (54), and four members of the South African Allied Workers' Union, Mr Sisa Njikelana (29), Mr Sam Kikine (36), Mr Isaac Ngcobo (36) and the national chairman, Mr Thozamile Gqweta.

In a 73-page judgment yesterday, Mr Justice Milne ruled that certain technical objections to the indictment were correct.

He also ruled the State give the defence further information about certain of the charges.

Mr Justice Milne

State to decide on counts against 16

ruled it was competent that all 16 accused were indicted on the main charge, the treason and terrorism charges and a count of furthering an unlawful organisation.

Mr Justice Milne decided the objections to the charges of furthering the aims of a banned organisation and furthering the objects of communism were invalid.

But the State has until September 9 to decide

on what counts to proceed against the accused.

The Judge-President said this would involve withdrawing the charges with which it did not wish to proceed. However, it might be able to do so later.

At the College Road Court yesterday there were few spectators and no demonstrations.

The trial will continue on September 18. — Sapa

Second treason trial

THE second high treason trial involving three alleged ANC members started in the Rand Supreme Court yesterday.

Appearing before Mr Justice L W H Ackerman are Mr Joseph Boitumelo Leepile (26) of Soweto, Mr Justice Mafa Ngidi (31) of Alexandra and Mr Sipho

Stanley Ngwenya (34) of 7528 Orlando West, Soweto.

According to the indictment, between 1976 and last year, the three became members of the ANC and received military training outside the Republic of South Africa.

Sowetan

331
3/9/85

March: Clerics released on bail

By ANDRÉ KOOPMAN and PETER DENNEHY
CHRISTIAN and Muslim religious leaders were among 37 people given an ecstatic welcome after they were released on bail of R100 each at the Wynberg Magistrate's Courts yesterday. They had been in custody since Wednesday. Twelve of those freed — including the Rev Abel Hendricks, the former leader of the Methodist Church in Southern

Africa — were arrested near Athlone Stadium, where a march on Pollsmoor Prison to deliver a message to Mr Nelson Mandela was to start.

Another 29, including two nuns, were arrested for allegedly taking part in the march from Hewat College.

The 37 were released about 1pm yesterday.

An enthusiastic crowd of well-wishers sang "Happy Birthday" to Miss Debora Patta, orga-

nizer of the Students' Union for Christian Action, who spent her 21st birthday in custody on Sunday.

The State initially opposed bail for all the accused, who are to face charges on September 23 of contravening the Internal Security Act by attending illegal gatherings.

Eight accused applied for bail and won yesterday because the security of the State would not be endangered by their release. The State then withdrew its objection to the bail for all 37.

Mr Russell, Mr Hendricks and others urged the elated crowd to gather in the nearby NG Sendingkerk where a short thanksgiving service was held.

Those released on bail were: Sheikh A G Gabbier, 50, Sister Aine Hardiman, over 21, Sister Mary Feargal, 52, the Rev David Russell, 40, the Rev Abel Hendricks, the Rev Michael Weed-er, 28, the Rev Shun Govender, 36, the Rev Trevor Encel, 30, Mr Richard Stevens, 42, Mr Edwin Arrison, Mr Abdulahman Khan, 26, Mr Faisal Moosa, 22, Mr Charles Martin, 26, Mr Rodney Whiteman, 25, Mr Wrongcliff Chisholm, 33, Mr Maxwell Malawa, 27, Mr Chris Arendse, 30, Mr Charles Williams, 29, Mr Victor Jones, 25, Mr Vernon Peterson, Mr Peter Mentoor, 23, Mr Abraham Braaf, 25, Mr Mark Leander, 19, Mr Omar Abrahams, 39, Mr Sammy Frans, 25, Mr Per Svenson, 32, Mr Frederick Stripp, 34, Miss Debora Patta, 21, Mr Jan Thyse, 40, Mr Malusi Mpamkoana, 24, Mr David Kalipha, 25, Mr Gavin Michaels, 20, Mr Steve de Gruchy, 24, Mr Peter Oberholzer, 35, Mr Randall Rossouw, 30, Mr Redwaan Mohammed, 19, and Mr Robin Peterson, 28.

Mr S F van Niekerk was the magistrate. Mrs M Wilson appeared for the State. Mr Seraj Desai, assisted by Mr John van den Berg, and instructed by Mr E Moosa, Mrs G Kahn, Mr H Joshua and Mr M Nacerodien of E Moosa and Associates, appeared for 37.

Security Act: Cleric in court

Own Correspondent

WORCESTER. — A Methodist minister, the Rev Peter Grassow, appeared in the Magistrate's Court here yesterday on a charge under the Internal Security Act for unlawfully trying to enter a restricted area.

The State alleged that he unlawfully tried to enter the Zweletemba Township on Saturday to attend the funeral of Mr Nation Bahume who was shot during unrest two weeks ago.

No evidence was led and the case was postponed till October 23.

Mr Grassow was released on his own recognizances.

NGK post

THE ring of the Suid-Afrikaanse Gestig has appointed the minister of the Goodwood Ned Geref Sendingkerk, Dr Hannes Adonis, as consultant to the Bellville NG Sendingkerk, while Dr Allan Boesak is in custody.

Dr Adonis will act as minister of the neighbouring congregation. — Sapa

State ordered to make choice in UDF trial

Pietermaritzburg Bureau

THE trial of 16 United Democratic Front and trade union leaders will start on September 18 following yesterday's ruling here that the State must choose either to go ahead with the treason charge or one of three alternative counts.

If the State decides to pursue the treason charge it will have to drop three of the original five alternative charges.

In a 73-page written judgment handed down here yesterday, Mr Justice John Milne, Judge President of Natal, also ordered that further particulars be supplied to the defence.

The further particulars include the basis for allegations that the Natal Indian Congress and the Transvaal Indian Congress were committed to overthrowing the Government by violence.

Mr Justice Milne said the State had until September 9 to decide whether to charge the trialists with treason and alternative charges of terrorism and furthering the objects of an unlawful organisation.

Alternatively the State could proceed with charges dealing 'only with participation in terroristic activities, or only with the furtherance of the objects of communism, or only with the furtherance of the objects of communism and/or the African National Congress', the Judge said.

These three charges involve only some of the 16 accused.

The accused, who were granted bail totalling R170 000, include UDF co-presidents Albertina Sisulu, 69, and Archie Gumede, 70.

Mr Justice Milne ruled that the State must give details concerning a 'vital part of the charge' where the Revolutionary Alliance allegedly used the UDF's national executive to 'infiltrate' the organisation by 'establishing underground structures within the UDF'.

Further particulars were also called for to show how the accused's membership or active support of the Natal Indian Congress, the Transvaal Indian Congress, the Release Mandela Committee and the South African Allied Workers' Union were relevant to overthrowing the Government by violent means.

The question of relevance was raised after the Court heard it was common cause that all of these organisations were voluntary associations and none had unlawful objects in their respective constitutions.

It was also common cause that 'the State does not rely solely upon membership in these organisations as establishing support for the objects of the Congress Alliance and the Congress Movement'.

Mr Justice Milne said he expected evidence against the accused to be led on September 18.

Representatives from the British and American Governments were present in Court yesterday. Attendance by members of the public at yesterday's hearing was the lowest since the start of the trial in the College Road Supreme Court in May.

Mr L Gering and Mr M T K Moerane appeared for the defence and Mr N Gey van Pittius, SC, appeared for the State.

Mercury 3/9/85

331

X (331) B. Day 3/9/85 X

Alleged ANC men not asked to plead to 'vague charges'

THREE alleged members of the African National Congress have appeared in the Rand Supreme Court on a charge of high treason and other charges.

Joseph Lepile, 26, Justice Ngidi, 31, and Sipho Ngwenya, 34, were not asked to plead to the charges as defence counsel I Farlan, SC, said the indictment was too vague.

Leepile, of Soweto — allegedly a former ANC military instructor in Mozambique — is alleged to have entered South Africa with Ngidi, of Alexandra, in May 1984 with the pur-

pose of establishing an arms depot on the East Rand, and recruiting members.

Ngidi is alleged to have received military training in Russia and Angola. Ngwenya, also from Soweto, was allegedly trained in Swaziland by Ngidi and allegedly sabotaged a railway line between Bosmont and Newclare in November 1983.

Judge L W H Ackermann will decide whether or not the trial will proceed on the basis of the existing indictment. — Sapa.

Wrangle over court's power

THE Supreme Court in Pretoria yesterday adjourned hearing the bail applications of 22 people charged with high treason after the State argued the court did not have the power to grant bail.

The 22 accused, all members of the United Democratic Front and affiliate organisations, have been charged

with high treason, alternatively subversion, terrorism and murder. They have been in detention for up to nine months.

The Deputy Judge President, Mr C F Eloff, assisted by two other judges, said the case was urgent and he wanted a decision on the hearing this week.

She said she was on yesterday

Cape

CAPE TIMES

FOUNDED 1876 * 3/9/85 (28) (33) TUESDAY, SEPTEMBER



The Rev David Russell (right) with Mrs Dorothea Russell, and the Rev Abel Hendricks with Mrs Freda Hendricks outside the Wynberg Magistrate's Court after the two clergymen were released on bail.

● Report, page 2 Cape Times Newscolour: Anne Laing

Treason accused in Supreme Court

Pretoria Bureau

4/9/85 331
The Pretoria Supreme Court heard further complex legal argument yesterday on the validity of the Attorney-General's certificates blocking bail for the 22 Vaal Triangle treason trialists.

A full Bench is hearing an urgent bail application brought by the defence after a magistrate ruled that the certificates were valid. STAR

The accused, who include leading Transvaal UDF members, will be tried on October 16 on charges of high treason, terrorism, subversion and murder.

None has yet pleaded.

The defence has argued that the certificates were issued prematurely and therefore contravened Section 30 of the Internal Security Act. The Attorney-General has also failed to hear the accused on the matter, counsel said.

However, the State has contended that the certificates were issued at the correct time and has said the Attorney-General was not obliged to hear the accused. In addition, according to the State, the Supreme Court has no jurisdiction to reverse the certificates.

(Proceeding.)

of the area and the effect the building
 ve of the birdlife at the view
 as who live in Simon's Town are aware of
 see to, reside in its paramilitary atmos-
 was our choice to live in rural Glencairn
 rent reasons," he added.

pital staff in
 Devon, yesterday
 "It seems he was
 his housework
 nude, and had a
 cident," a nurse

INSIDE

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2 Cape Times, Thurs

Children of 6-14: No charge

Court Reporter

TWENTY-TWO youths
 yesterday appeared in
 Goodwood Magistrate's
 Court in connection with
 incidents of unrest this
 week.

● Twelve children —
 between the ages of six
 and 14 — were released
 yesterday when the State
 decided not to prosecute.

The parents were re-
 quested to report with
 their children, who were
 arrested on Monday, to a
 Captain Laubscher at
 Bellville police station
 by tomorrow.

● The hearing of a
 youth was adjourned to
 September 9 as he is in
 Tygerberg Hospital.

● Five youths were re-
 leased in the custody of
 their parents and togeth-
 er with Ms Regina Bos-
 man, 32, were warned to
 appear on September 16.

● Three 16-year-old
 pupils, a 17-year-old and
 Mr Rashaad Lackay, 21,
 were released on bail of
 R50 and the case was
 postponed to September
 9.

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"Panema Story"
 Ladies' Jacket with
 patch pockets and
 mandarin collar.
 R79,99
 Pleased Skirt on
 basque with side
 button fastening.
 R79,99
 Classic waist pants
 with patch
 pockets.
 R49,99

Law

22 activists will be tried for their deeds rather than their words

7/9/85

Pretoria Bureau

STAR

While the Government has been deliberating on talks with black leaders, 22 key figures from the Vaal Triangle's black community have languished largely unnoticed in the country's jails — some of them for almost a year.

These men are now in Pretoria waiting to be tried on charges ranging from high treason and terrorism to subversion and murder.

Their cases have been generally overlooked as world media attention has focused on Pietermaritzburg, where 16 United Democratic Front and other leaders are now also on trial for treason.

SERIOUS

But the Vaal Triangle trial is at least as significant and possibly more serious in terms of the charges that are being laid and the number of accused.

For, unlike their Natal counterparts, the Vaal Triangle 22 are facing charges of murder.

They have been described as being on trial for their deeds, while their Natal brothers are standing trial for their words.

Theirs is almost certainly the largest treason case in recent decades.

Their removal from public life has robbed the UDF, the Vaal Civic Association and a number of trade unions of some of their most dynamic leaders.

The trial, which is scheduled to begin on October 16 in an out-of-the-way location — probably Delmas — is expected to take more than a year to complete.

The 300-page indictment took Transvaal Attorney-General Mr Don Brunette and his staff five months to compile and contains a comprehensive selection of charges relating to UDF activities during the past two years.

Among other things, the men are accused of furthering the aims of the African National Congress, inciting "bloody revolution" and causing the deaths of five community councillors in the townships.

The charge sheet contains a list of 220 State witnesses, 213 of whom are listed as policemen,

but adds that a further undisclosed number of State witnesses can be expected to take the stand.

After the Vaal Triangle townships exploded in unrest last September, the 22 were systematically detained under section 29 of the Internal Security Act.

One of the first to be put behind bars was a Sharpeville Anglican priest, the Rev Geoffrey Moselane, who was detained on October 1.

Some of his fellow activists managed to evade the police for a time, among them the UDF's general secretary, Mr Popo Molefe, who went into hiding until his baby daughter, Albertina, was born.

Also among the accused are the UDF's publicity secretary, Mr Patrick Lekota, former UDF Transvaal secretary, Mr Moses Chikane, and Vaal Civic Association executives, Mr Tsietsi Mphuthi, Mr John Mokoena and Mr Sam Matlole.

All 22 were "arrested" in June this year — essentially a formality since they were all in jail anyway — and Mr Brunette promptly issued certificates in terms of section 30 of the Internal Security Act which deny the men bail.

INVALID

The defence has waged an unstinting campaign to have the Attorney-General's no-bail certificates declared invalid and Pretoria's courts have been the scene of a lengthy legal wrangle on the issue.

The defence has submitted that the certificates were issued prematurely and therefore illegally. It is also contended that the Attorney-General has a duty to hear the accused before issuing certificates.

The State asserts, however, that the documents were correctly issued and the Attorney-General was not obliged to hear the accused.

Next week's expected judgment by a full Bench of the Pretoria Supreme Court could set a number of precedents as far as civil liberties are concerned.

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'ANC' men plead not guilty ^{STAR} to treason ⁽³³¹⁾ 7/9/85

Three alleged members of the African National Congress pleaded not guilty to charges of treason in the Rand Supreme Court yesterday.

Mr Joseph Boitumelo Leepile (26), Mr Justice Mafa Ngidi (31), no addresses given, and Mr Sipho Stanley Ngwenya (34), address given as Orlando West, Soweto, also denied charges under the Internal Security Act.

The State alleges that between 1976 and 1984 Mr Leepile and Mr Ngidi became ANC members, underwent military training and undertook various missions on behalf of the ANC.

Mr Ngwenya allegedly became a member of the ANC between 1983 and 1984.

Charges include the establishing of a weapon storage place on the East Rand or the locating of a weapon storage place near Dube and the recruitment of people for the ANC.

Warrant officer Frederick J Pienaar told Mr Justice LWH Ackermann Mr Ngidi was arrested at the Nerston border post on May 20 last year.

He was then searched. Included in his luggage police allegedly found four mechanical detonators, three limpet mine detonators, lengths of fuse and four rounds of ammunition.

The hearing continues.

CAPT TILLS 11/9/85

Langa case struck off roll

331

Own Correspondent

PORT ELIZABETH. — Twenty-nine people who were charged with public violence after the Langa shooting in March walked out of a Uitenhage court free yesterday after their case was struck off the roll.

It was the group's seventh court appearance since they received medical attention for injuries sustained when the police opened fire on a mob marching to a funeral.

Dismissing the case, the magistrate Mr L van Dyk said the State had asked for a postponement each time the case came up for trial.

No decision

The court had given an order on the last occasion that no further postponements would be granted.

Mr Van Dyk said the State had submitted that its main reason for requesting another postponement to October 15 was that the Attorney-General had still not taken a decision on the matter.

He said he had asked the State at the previous hearing if they were sure the time they were requesting was sufficient to tie up the business they said was still unfinished.

He was sure, he said, that the Attorney-General was aware of the international significance attached to the case because it was well publicised in newspapers.

If he was sympathetic to the State's request, they would probably come up again on October 15 asking for another postponement, Mr Van Dyk said.

After a brief consultation with the Attorney-General's office, the prosecutor Mr I A C van Niekerk returned to inform the court that the A-G was not prepared to withdraw the charges.

The case was then dismissed.

Earlier, members of the press and the public were barred from the courtroom after Mr Van Dyk ruled that the case be heard in camera.

This followed strong representations by Mr Thole Majodina, for the defence, who said the parents of the nine minors involved had no objection to their children being tried in open court and that the case was of intense local and national interest.

The press was eventually allowed in. Those who went free yesterday are all Uitenhage residents.

Boesak may stand trial

321
S. Times 15/9/85

DETAINED church leader Dr Allan Boesak will probably be charged with a large group of United Democratic Front leaders once police have completed their investigations, official sources in Pretoria have disclosed.

But it is not expected that Dr Boesak will appear in court for quite some time.

Police have already detained 48 people — most of them UDF leaders — who, the sources believe, will probably be charged with Dr Boesak.

It is also expected that further arrests could follow.

The sources believe Dr Boesak will definitely have to stand trial, but there is still uncertainty under which law he will be charged.

Subversion

However, they believe he will most probably be charged with subversion.

It is believed that Minister of Law and Order Mr Louis le Grange was to have decided by the weekend under what law Dr Boesak is to be charged.

Dr Boesak, president of the World Alliance of Reformed Churches and senior leader of the UDF, was detained on August 27 on the eve of the Pollsmoor Prison march he had organised.

He is being held at Pretoria's Central Prison.

By STEPHAN TERBLANCHE

Dr Boesak was seen by his wife, Dorothy, at police headquarters in Pretoria shortly after his arrest.

This week the general secretary of the World Alliance of Reformed Churches, Dr Edmond Perret, said he saw no reason for Dr Boesak to be detained for long after visiting him in Pretoria.

However, it is believed police and legal officials will take quite some time to complete a charge sheet.

Meanwhile, it has been learnt that Dr Boesak threatened a hunger strike in prison shortly after his detention, but he did not go ahead with it after a senior official spoke to him.

Sunday Times
MAGAZINE



THE
HEAVY
BREATHERS

Two youths in court 331

Two youths, one aged 11 and the other 17, appeared in a Johannesburg Regional Court today in connection with allegations of public violence.

STAR
No charges were read to the boys and they were not asked to plead. The magistrate, Mr P J du Plessis, postponed the case to October 16.

17/9/85
According to the charge sheet, the youths were arrested on July 13, two days after vehicles were stoned in London Road on the outskirts of Alexandra, north of Johannesburg.

Memani released on bail after 9 months

Staff Reporter

MR Oliver Memani, leader of a section of the KTC settlement, was released on bail of R750 yesterday after over nine months in custody.

Mr Memani was arrested on November 26 last year after violence broke out in the KTC area on November 2 and November 11.

He and 37 others were charged with three counts of public violence and one of incitement to murder. Mr Memani pleaded not guilty.

Evidence has been heard in the case, but its progress was impeded when the magistrate

died. The last hearing was in February.

The Attorney-General had issued an order that Mr Memani remain in custody. An application contesting the validity of this order was lost, but when it went on appeal the Attorney-General withdrew his order.

Some of Mr Memani's co-accused are in custody, while others have been released on bail.

A condition of his bail is that he report daily to Guguletu police station between 6 and 8pm.

Mr J Vermaak was the magistrate. Mr W A King appeared for the State. Mr William Booth appeared for Mr Memani.

CARL MARK 17/9/85

331

Tambo indicted, treason trial told

Argus

18/9/85

351

MARITZBURG. — The United Democratic Front was formed at the behest of Mr Oliver Tambo, the leader of the African National Congress, as a movement with underground structures for national liberation, the State alleged today.

As the trial in which 16 UDF activists are charged with treason resumed today in the Natal Supreme Court, the State announced it would proceed against the accused on charges of treason, alternatively terrorism, and fulfilling the objects of a banned organisation.

It would withdraw the charges of participating in terrorist activities against Mr Ephraim Nkondo, Mr Archibald Gumede, Mr Paul David, Mr Richard Gqweta, Mr James Njikelana, Mr Samuel Kikine and Mr Isaac Ngcobo.

Charges of furthering the objects of communism brought against Mr Mewa Ramgobin, Mr George Sewpershad, Mr Morgan Naidoo, Mr Paul David, Mr Ebrahim Saloojee and Dr Essop Jassat were also withdrawn.

Charges of furthering the objects of communism and/or the ANC were withdrawn against all accused except Mr Curtis Nkondo, Mr Aubrey Mokoena and Mr Archibald Gumede, Mrs Albertina Sisulu, Mr Frank Chicane, Mr Ebrahim Saloojee and Mr Ismail Mohamed.

Revolutionary

In giving further particulars of the charges being pursued, the State referred to the statement by Mr Oliver Tambo that the UDF was participating in the revolutionary struggle. However, the State did not know when and where and how each of the accused allegedly became part of an underground structure.

The State will attempt to prove that the UDF had underground structures and intended to further the ANC's policy and objectives. This included mass action and mobilisation of the people and popularisation of the leaders of the ANC.

The State alleged also that the Transvaal Indian Congress and the Natal Indian Congress were committed to the aims of the congress movement and Congress Alliance whose aim was to overthrow the South African Government by violent means.

Committed

The State also alleges that the Release Mandela Campaign and the South African Allied Workers' Union were also committed to the revolutionary aims of the Revolutionary Alliance.

Before the court are Mr Mawalan Ramgobin, 52, Mr Chanderdo Sewpershad, 43, Mr Moorogih Jayahajapathy Naidoo, 53, Dr Essop Essack Jassat, 52, Dr Dundubela Aucsy Mokoena, 52, Mr Ephraim Curtis Nkondo, 56, Mr Archibald Joseph Gumede, 70, Mr Devadas Paul David, 40,

Mrs Albertina Sisulu, 66, the Rev Frank Chikane, 34, Mr Cassim Saloojee, 49, Professor Ismail Mohammed, 54, and four members of the SA Allied Worker's Union, Mr Sisa Njikelani, 29, Mr Sam Kikine, 36, Mr Isaac Ngcobo, 36, and the national chairman Mr Thozinale Gqweta.

Mr Justice Milne is sitting without his assessors and hearing argument on amplification of the indictment and particulars.

(Proceeding)

Court told ^{19/9/85} of ^{Soweto} disguise ⁽³³¹⁾

By NKOPANE
MAKOBANE

A RAND Supreme Court judge heard yesterday how a treason trialist had been disguised by security policemen and taken to Mlamlankunzi station in Soweto on the morning of May 29, last year, to point out another alleged ANC member.

The court heard that Mr Justice Mafa Ngidi was put in a wheelchair, and given dark sunglasses and a hood to wear. To prevent him from escaping his legs were chained to the wheelchair and covered with blankets and several black policemen guarded him. Lieutenant D F M Bosman of the Soweto Security Police was testifying in the trial of Mr Ngidi (31) of Alexandra, and two other Soweto men, Mr Joseph Boitumelo Leepile (26) and Mr Sipho Stanley Ngwenya (34).

The three men, alleged to be ANC members, are charged with high treason or alternatively charges under the Terrorism Act or the Internal Security Act.

They have pleaded not guilty before Mr Justice L W H Ackerman.

Lt Bosman told the court that although Mr Leepile was not arrested that morning he was arrested later in the day.

Proceeding.

Tambo formed UDF, court told

331

Soweto

19/9/85

SOWETAN Correspondent

THE United Democratic Front had been formed at African National Congress leader Mr Oliver Tambo's command, as a movement with underground structures for national liberation, the State alleged yesterday.

As the trial at which 16 UDF activists are charged with treason resumed in the College Road Supreme Court in Maritzburg, the State said it would proceed against the accused on charges of treason,

alternatively terrorism and fulfilling the objects of a banned organisation, and would withdraw the charges of participating in terroristic activities against some of the accused — Mr Ephraim Nkondo, Mr Archibald Gumede, Mr Paul David, Mr Thozamile Gqweta, Mr Sisa Njikelana, Mr Samuel Kikine and Mr Isaac Ngcobo.

Charge

A charge of furthering the objects of communism which had been levelled against six of the accused was also withdrawn. They were: Mr Mewa Ramgobin, Mr George Sewpershad, Mr Morgan Naidoo, Mr Paul David, Mr Cassim Saloojee and Dr Essop Jassat.

Charges of furthering the objects of communism and/or the ANC were withdrawn against all accused except Mr Curtis Nkondo, Mr Aubrey Mokoena and Mr

Archibald Gumede, Mrs Albertina Sisulu, Mr Frank Chikane, Mr Ebrahim Saloojee and Prof Ismail Mohamed.

The State referred to Mr Oliver Tambo's statement that the UDF was participating in the revolutionary struggle.

However, the State did not know when and where and how each of the accused allegedly became part of an underground structure.

The State will attempt to prove that the UDF had underground structures and intended to further the ANC's policy and objectives.

This included mass action and mobilisation of the people and popularisation of the leaders of the ANC.

Before Mr Justice Milne were: Mr Mawalan Ramgobin (52), Mr Chanderdo Sewpershad (43), Mr Moorogih Jayahajapathy Naidoo (53), Dr Essop Essack Jassat (52), Dr Dundubela Aubrey Mokoena (52), Mr Ephraim Curtis Nkondo (56), Mr Archibald Joseph Gumede (70), Mr Devadas Paul David (40), Mrs Albertina Sisulu (66), Rev Frank Chikane (34), Mr Cassim Saloojee (49), Professor Ismail Mohammed (54), and four members of the SA Allied Workers' Union, Mr Sisa Njikelani (29), Mr Sam Kikine (36), Mr Isaac Ngcobo (36) and the national chairman, Mr Thozamile Gqweta.

MALMESBURY. — Dr Allan Boesak, international church leader and patron of the United Democratic Front, was released on R20 000 bail today after appearing in Malmesbury Magistrate's Court.

He appeared in connection with four charges under Section 54 of the Internal Security Act, but no charges were put to him in court.

Three of the charges relate to school and consumer boycotts and the disinvestment campaign, and the fourth to discussions allegedly held in connection with such boycotts.

Dr Boesak was met outside the court by a crowd of jubilant supporters who travelled to Malmesbury after news of his pending appearance spread through Bellville South, where he lives.

The hearing was postponed to November 6 in Malmesbury Magistrate's Court.

Dr Boesak, president of the World Alliance of Reformed Churches, has been in detention for nearly a month.

Dr Boesak arrived at the court at 10.45am and was allowed to meet reporters briefly before the hearing.

Looking drawn and tired, he greeted local and foreign journalists warmly and cheerfully.

The magistrate, Mr A P Dippenaar, allowed the cameramen to take pictures in the court for five minutes before the hearing started as Dr Boesak walked in.

Greeted his family

His wife Dorothy, their four children and his sister, Mrs Edna Piek, arrived minutes before the case began, in spite of expectations that they would not have made it in time from Montagu, where Mrs Boesak was to have spent the weekend.

Dr Boesak greeted his family affectionately as he walked to the dock.

The news that Dr Boesak was to have appeared in court was sudden and unexpected. Church colleagues, his staff and even his lawyers knew only this morning that he was to appear.

Mr Desai said the defence had little alternative but to accept the amount of bail. He said they would accept bail conditions, although they considered them "extremely stringent", but would apply for amendment of the bail conditions.

The tiny courtroom was so tightly packed with journalists, friends of Dr Boesak and curious locals that reporters could hardly move their arms to take notes. There was an excited hubbub for 35 minutes while Dr Boesak consulted his lawyers in a nearby office.

When the court case began — 45 minutes after its scheduled time — spectators whistled when the amount of bail was announced. The magistrate warned spectators that he would not "allow comments and utterances and noises like the ones I've heard from out there".

He added that as far as bail conditions were concerned "I take it for granted that the accused will immediately leave for Bellville".

"If one looks at the conditions it is quite clear that he should do so."

The prosecutor was Mr P J van der Merwe. Mr S Desai, instructed by E Moosa and Associates, appeared for Dr Boesak.

Terms of bail will restrict him to Bellville

ACCORDING to Dr Boesak's lawyers, his bail conditions are that he:

- Must report to Bellville police station daily between 7am and 9pm.

- May not leave his home between 9pm and 6am.

- Must hand in his passport within 24 hours.

- May not leave the magisterial district of Bellville without the permission of the police district commandant.

- May not directly or indirectly communicate with State witnesses whose names have been given to him by the district commandant.

- May not speak at meetings of more than 10 people except at bona fide church services in the NG Sendingkerk in Bellville South.

- May not propagate or encourage a consumer boycott, school boycott, academic boycott or disinvestment campaign.

- May not visit educational institutions except bona fide house visits to members of his congregation as a priest at UWC.

- May not be interviewed by the media.

- May not attend funerals without permission of the district commandant and, if permission is granted, police may attach conditions.

Dr Boesak out bail

12 bus drivers appear in court

Cape Times 19/11/83
Court Reporter

TWELVE City Tramways bus drivers yesterday appeared in the Wynberg Magistrate's Court following an incident in Mowbray on Wednesday while on their way to the offices of their union in Salt River.

No charges were put to the men and they were not asked to plead.

They are: Mr Tyrone Baards, 23, Mr Abubaker Samsodien, 30, both from Bonteheuwel; Mr Lester Jordaan, 26, Mr Jeremiah Adams, 32, Mr Jacobus September, 47, Mr Freddie Julius, 26, and Mr Aubrey Lawrence, 45, all of Mitchells Plain; Mr Ernest Williams, 33, of Valhalla Park; Mr Abas Moegamat, 33, of Kensington; Mr Alfred Mboleka, 31, and Mr Vuyo Dunjana, 28, of Guguletu; and Mr Patrick Jacobus, 36, of Bishop Lavis.

The hearing was postponed to November 11. The men were warned to appear.

Mr P D Theron was the magistrate. Ms N Nel appeared for the State. Ms M V Wiehahn appeared for the men.

Supporters clapped, chanted and sang

Staff Reporter

DR Allan Boesak emerged from a court hearing at Malmesbury today a conditionally free man.

He stepped into the sunlight to cheers of "Boesak, Boesak, Boesak" from a crowd of about 300 supporters.

They clapped, chanted and sang as they formed a throng that swept him along to the vehicle taking him home.

The president of the World Alliance of Reformed Churches embraced friends and well-wishers as he walked.

"FREE MAN"

Minutes before, just after noon, Dr Boesak's legal representative, Mr S Desai, appeared in a passage of Malmesbury Magistrates' Court after paying bail of R20 000.

He stepped up to Mrs Dorothy Boesak and announced: "He's a free man now."

Mrs Boesak replied: "Oh — he's a free man."

Then Dr Boesak appeared from a doorway and the couple embraced. He kissed a daughter, then moved out to face the crowd and the media.

The rustic Swartland town of Malmesbury, known for its grain, its *brei* and two prime ministers, had not before experienced so much drama outside the courthouse.

Until the surprise hearing the town had no inkling that an international figure such as Dr Boesak would be in its midst.

One shopkeeper was surprised to learn that Dr Boesak would be appearing in the district court. Asked why Malmesbury, the shopkeeper commented: "They don't want trouble."

Dr Boesak first appeared in court, informally, about 10.30am. He greeted the media packed into A Court, put on a suit jacket, straightened a white tie, shook hands with a Press photographer and greeted a woman journalist with a kiss.

He appeared casual, though his face was gaunt. He left after about eight minutes. At 11.50am he reappeared in court for the formal hearing of the bail application.

Mr Desai addressed the magistrate on the question of bail. He said: "We consider the conditions stringent and reserve the right to apply for new terms later."

A "whoo" went round the court when the sum of R20 000 was mentioned. The magistrate, Mr A Dippenaar, warned that comments or noisy utterances from the public gallery were unacceptable.

Such behaviour would leave him no alternative but to clear the court — an action "I wouldn't like to do".

20/9/85

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Picture: WILLIE DE KLERK, The Argus

Happily reunited: Dr Allan Boesak outside court with family members after being freed on bail in the Malmesbury Magistrate's Court today.

Boesak on subversion

charges

CHRF-712-15
21/9/85

Staff Reporter

(331)

DR ALLAN BOESAK, president of the World Alliance of Reformed Churches, was charged in Malmesbury with subversion and released from detention yesterday on R20 000 bail with "stringent" conditions.

Dr Boesak, a patron of the United Democratic Front, was not asked to plead and the case against him was postponed for further investigation until November 6 in Malmesbury Magistrate's Court.

He faces three charges of subversion and one of "promoting or convening" a prohibited gathering, namely the march to Pollsmoor Prison.

The first subversion charge concerned alleged transgressions of Section 54 of the Internal Security Act on six occasions in August this year, mostly in churches, church halls or civic centres.

An alternative charge concerns a Section 54 transgression through encouraging people not to buy at certain establishments.

Restricted to Bellville

Encouraging teachers not to teach is the basis of the second charge. The third concerns calling on foreign institutions to withdraw their investments or not to make further loans to South Africa.

Conditions of bail, which Dr Boesak's counsel Mr S Desai described in court as "stringent", prevent Dr Boesak from attending any meeting of more than ten people, apart from his church services.

Dr Boesak is also restricted to Bellville magisterial district. He may not be interviewed by the press.

He must also report daily to Bellville police station. He may not attend any funeral without police permission. He may not visit any educational institutions other than to preach at the University of the Western Cape, and he may not propagate a consumer or educational boycott or disinvestment.

Mr A P Dippenaar was the magistrate. Mr A R Acherman, with Mr P J A van der Merwe and instructed by the State Attorney's office, appeared for the State. Mr Desai was instructed by E Moosa and Associates.



Dr Allan Boesak in the Magistrate's Court in Malmesbury yesterday. ● More pictures, page 9

Cape Times Newscolour: Dan Bosman

it Court rejects treason trial objections STAR 331 21/9/85

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MARITZBURG — Mr Justice Milne yesterday dismissed the last defence objections to charges against 16 leading dissidents who face trial for treason.

They include some of the most prominent leaders of the United Democratic Front (UDF), which has spearheaded a campaign against apartheid race laws for the past two years.

ON BAIL

They could be sentenced to death if convicted.

Mr Justice Milne rejected the last in a series of defence requests for further particulars of the charges.

The 16 are accused of conspiring between 1980

and 1985 to overthrow the Government by force.

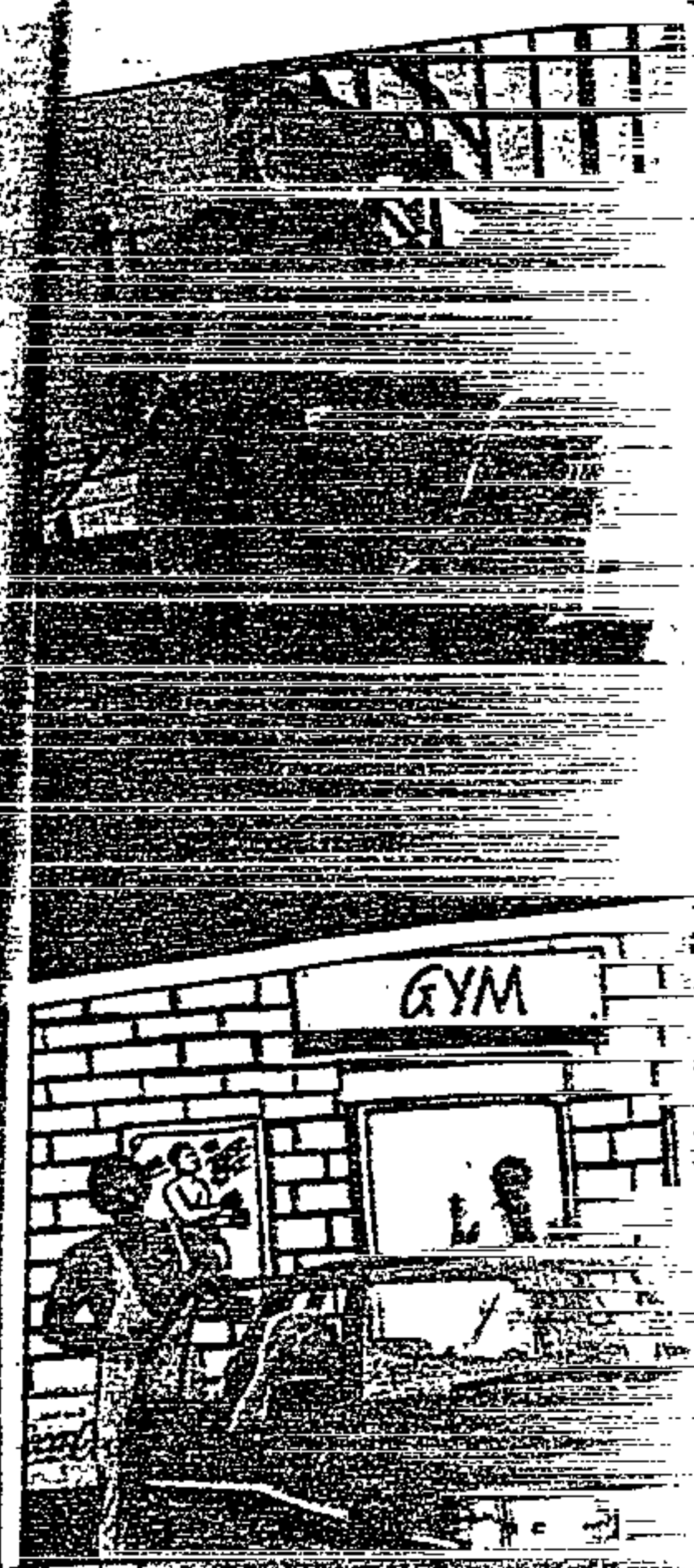
They also face charges of terrorism and furthering the aims of the banned African National Congress (ANC).

The judge said the trial would go ahead on October 21.

The 16 have been released on bail — under tough conditions after a long legal fight.

The State alleges that the ANC was behind the setting up of the UDF, which says it is committed to fighting apartheid by non-violent means.

Another 22 dissidents, including leading UDF officials, are due to go on trial for treason next month in the Transvaal. They have been refused bail. — Reuter.



(331) C. Press

Teacher in court

By STAN MZIMBA 22/9/85

CALA school teacher Tshepo Malgas, 26, appeared before R Micklesfield in the Umtata Regional Court this week on National Security Act charges.

Mr Malgas, defended by advocate T L Skweyiya from Durban, pleaded not guilty to "wrongfully and unlawfully harbouring a person believed to be a terrorist".

Political comment and newsbills Percy Qoboza and Phillip Selwyn-Smith, headlines and sub-editing by David Niddrie - all of 204 Eloff Street Extension, Johannesburg.

Court told of sabotage

331
BY NKOPANE
MAKOBANE

THE sabotaging of the railway line between Bosmont and Newclare stations by an alleged African National Congress member, on the referendum day (November 2, 1982) was yesterday recalled in the Rand Supreme Court. 24/9/85

Captain P C Schutte,

the South African Railways Police explosives expert, told the court that although no one was injured in the incident, windows of houses next to the railway line were broken.

He was testifying at the trial of three alleged ANC members, Mr Joseph Boitumelo Leepile (26), of Soweto, Mr Justice Mafa Ngidi (31), of

Soweto
Alexandra and Mr Siphosiso Stanley Ngwenya (34), of Soweto.

They have all pleaded not guilty before Mr Justice L W H Ackerman to a charge of high treason or alternatively charges under the Terrorism Act or the Internal Security Act.

Capt Schutte's evidence was in relation to allegations by the State that on the referendum day Mr Ngwenya sabotaged and damaged the base of a railway line between the two stations.

To achieve this, it is alleged, he had one kilogram of plastic explosives, an electric detonator, a battery, a timing device and a length of electric wire.

Proceeding.

MPC denies insulting policeman

CAPE TOWN 24/9/85

Own Correspondent

PORT ELIZABETH. — The police lieutenant who gave the order to shoot in Langa, Uitenhage, on March 21 this year told the Regional Court here yesterday that he had not read the findings of the Kanne-meyer Commission of Inquiry into the shootings, which claimed 20 lives.

Lieutenant John William Fouche, who is station commander at Kirkwood, told Mr G Steyn, president of the Regional Court, that he was unaware that Mr Justice Kannemeyer had, in four instances, rejected his evidence at the inquiry.

'Drunk'

Lieutenant Fouche was giving evidence at the trial of Mrs Molly Blackburn, MPC for Walmer, and Dr Elizabeth Thompson, a Cape Town doctor, who are charged with *crimen injuria*, in that they allegedly injured, insulted and impaired the dignity of Lieutenant Fouche by saying he was drunk and unfit to perform his duties on March 17.

They face an alternative charge of defamation.

Mrs Blackburn and Dr Thompson have pleaded not guilty to both charges.

When Mr CR Nicholson, who is appearing for the two women, asked Lieutenant Fouche whether he agreed that four important aspects of his evidence had been rejected by Mr Justice Kannemeyer, he replied: "I do not know how important this evidence was. It could not have been terribly important if he decided that the police had behaved correctly."

Lieutenant Fouche, who was questioned at length by Mr Nicholson on his drinking habits, said he "took strong drink on certain occasions" but was not a regular drinker and had not had any alcohol before work on March 17.

Mr Nicholson told the court Mrs Blackburn and Dr Thompson had gone to the Uitenhage police

station to inquire about a youth.

On their arrival they had witnessed a bound black youth being assaulted. Mr Nicholson said a case had been made against members of the police as a result of this, and that two policemen had been suspended as a result of these charges.

Lieutenant Fouche said the youth whom Mrs Blackburn and Dr Thompson had inquired about did not respond when his name was called out and his name did not appear in the cells register. He said the women expressed surprise, as they had seen the youth being taken to the cells.

'Aggressive'

Mr Nicholson: "Mrs Blackburn will say you were aggressive and spoke harshly to her?"

Lieutenant Fouche: "I normally speak loudly, but I was not aggressive."

Mr Nicholson: "She will say she told Mr Groenewald, the Uitenhage magistrate who was present, that it was her impression that you were drunk."

Lieutenant Fouche: "I do not know at what stage she said that. I gave her no reason to make false accusations against me."

Lieutenant Fouche said he had been told by a member of the public later that afternoon, that Dr Thompson had said he was under the influence of liquor.

Mr MJ Groenewald, a magistrate for 18 years, said he was present in the charge office when Lieutenant Fouche, speaking loudly, asked the women to move from the passageway. Mrs Blackburn told him not to shout at her.

"She half-turned from me and said he was drunk and that she should charge him. It is difficult to say who she said this to, but Lieutenant Fouche was close by and must have heard what she said."

The hearing continues today.

Bail problems for Boesak

BY BARRY STREEK

AN application for a change in Dr Allan Boesak's bail conditions would be made because the restrictions were affecting his work in the church, his attorney, Mr Essa Moosa, said yesterday.

"We haven't decided yet when we will make an application, but we will definitely do so," Mr Moosa said. The application would be made "as soon as possible", perhaps this week.

Mr Moosa said that as a result of the bail conditions, Dr Boesak had had to cancel a church appointment in Stellenbosh for tonight.

Dr Boesak is also due to chair the annual meeting of the World Alliance of Reformed Churches in New Delhi from October 8 to October 19, but his existing bail conditions would prevent his doing so.

An application for a change in bail conditions would have to be made in the Magistrate's Court in Malmesbury, where Dr Boesak was released on R20 000 bail on Friday.

Dr Boesak also has the right to appeal to the Supreme Court after an application for a change in bail conditions has been considered in the Magistrate's Court.

COPY TIGHT

2-4/9/85

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Doctor 'smelt liquor' on officer's breath

Own Correspondent

PORT ELIZABETH. — A Cape Town doctor, Dr Elizabeth Thompson, yesterday told the Regional Court here that she had smelt liquor on the breath of Lieutenant John William Fouche, station commander at Kirkwood, in the Uitenhage charge office on March 17.

"When he confronted Mrs Molly Blackburn, he was inordinately aggressive and threatening. I was appalled that he should have spoken to a public representative in that way."

'Youth shackled'

Dr Thompson was giving evidence at the trial in which she and Mrs Blackburn, MPC for Walmer, are charged with crimen injuria, alternatively defamation, in that they allegedly injured, insulted and impaired the dignity of Lieutenant Fouche by saying he was drunk, unfit to perform his duties and smelt of liquor at the Uitenhage charge office on March 17.

Dr Thompson said she had briefly examined a youth she and a group of Black Sash members had found shackled to a table while he was being beaten by a man with an orange whip at the Uitenhage police station.

She said Lieutenant Fouche appeared when she went to the charge office with Mrs Di Bishop, MPC for Gardens, to report the incident.

"Mrs Bishop told me she thought Lieutenant Fouche had been drinking, and asked me to check this. When he returned to the counter, I leaned across it and could smell liquor on his breath. I observed that he was dragging his feet and that his movements were clumsy and loose."

She denied that she had said to anyone, at any stage, that there was liquor on Lieutenant Fouche's breath.

No blood sample

Major Gert Kuhn, the Uitenhage station commander, said he thought it unnecessary for Lieutenant Fouche to be medically examined as he "regarded the allegations as unfounded".

Dr G E Nel, a Uitenhage practitioner and a police reservist for 15 years, said he did a routine examination of Lieutenant Fouche, but had not found it necessary to take a blood sample.

He had not noticed strong drink on the lieutenant's breath nor slurred speech. "I have known Lieutenant Fouche for years. His normal way of speaking is aggressive and blustery."

Mrs Blackburn said that she and eight Sash members went to the Uitenhage police station after she was

asked by parents to investigate the whereabouts of their children.

"We unintentionally took a wrong turning and knocked on a set of double doors. We went inside and saw a young man lying on the floor, with his hands manacled behind his back to the leg of a table. I saw a person in plainclothes bending over him with an orange whip. He was whipping the young man."

'Deeply shocked'

"I demanded to know what was happening. There were three black men on a bench against the wall, who seemed dazed. It was my impression that they had been assaulted. There were several other members of the police, in plainclothes. One of them was eating his lunch."

"I was deeply shocked. The person on the floor appeared to be between 17 and 20 years old. There were traces of blood coming from his mouth and his face was scarred."

She said she asked one of the delegates to find the station commander and she stayed with the shackled youth until a Sergeant Nel told her to leave. The youth then was unshackled.

When Mrs Blackburn went to the charge office she was told by one of the delegates that a magistrate had agreed to come to the station.

Mrs Blackburn said that Mr M J Groenewald, a Uitenhage magistrate, arrived and was speaking to a police officer, who was not known to her, when she approached him.

'Extraordinarily aggressive'

"Before I was able to speak to the magistrate, this man started shouting, demanding that I move away from that section of the building."

"I told him it was unnecessary for him to shout at me, as we were less than a metre apart."

"He was extraordinarily aggressive, and there was a strong smell of liquor on his breath. He walked away and I turned to the magistrate and said I wanted to place on record that it was my belief that the man had been drinking."

"I returned to the charge office and Lieutenant Fouche came in and said: 'One of you ladies says I am drunk'. I said it was me. In retrospect, I did not say he was drunk, but that I had smelt liquor on his breath. He was extremely angry and said he would lay a charge against me," she said.

The hearing continues today.

CAPE TOWN 26/9/85

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Magistrate "lied" to the court — MPC

Own Correspondent

PORT ELIZABETH. — A member of the Cape Provincial Council said in the Regional Court here yesterday that a Uitenhage magistrate must have "lied" when he said in evidence that Mrs Molly Blackburn had said a senior police officer was "drunk".

Mrs Diane Bishop, MPC for Gardens, testified earlier that she had heard Mrs Blackburn say to Mr M J Groenewald, a Uitenhage magistrate, that she wished to place on record that she believed the police officer — Lieutenant John William Fouche, the station commander at Kirkwood — "had been drinking".

She was giving evidence at the trial of Mrs Blackburn and Dr Elizabeth May Thompson, a medical practitioner of Paarl, who are charged with *crimen injuria*, alternatively defamation, in that they allegedly injured, insulted and impaired the dignity of Lieutenant Fouche by saying he was drunk, unfit to perform his duties, and smelt of liquor, at the Uitenhage police station on March 17 this year.

Replying to Mr John Scott, for the State, Mrs Bishop said she found it strange that a magistrate, three policemen, a member of the public and a doctor, had found "nothing wrong" with Lieutenant Fouche.

"It is possible for people to come to different conclusions, but I am convinced I smelt liquor on his breath," she said. Mrs Blackburn and Dr Thompson have both testified to smelling liquor on Lieutenant Fouche's breath.

Mr Scott: "The magistrate testified that Mrs Blackburn had said 'that man is drunk'."

Mrs Bishop: "I would deny that."

Mr Scott: "There is little room for doubt about this, or else the magistrate must be lying?"

Mrs Bishop: "Yes."

Mrs Bishop told Mr G Steyn, president of the Regional Court, that she was "extremely concerned about the situation" because Lieutenant Fouche had told her he was in charge of riot control that day.

Replying to a question from Mr Scott, she said it was "certainly in the public interest" that allegations of police misconduct be made public.

Mrs Bishop said, in reply to Mr C F Nicholson, who is appearing for Mrs Blackburn and Dr Thompson, that she had given an affidavit of the day's events, prepared by Dr Thompson, to a representative of the Sunday Tribune, to confirm statements she (Mrs Bishop) had made in an interview.

'Subidiary aspect'

"The main feature of the interview was the assault we witnessed on a black youth in the CID cells at Uitenhage. The Fouche incident was a subsidiary aspect of the interview."

She said the Fouche episode had taken up only one of the eight pages in her own affidavit.

Mr Scott: "Why did you mention these (liquor) allegations in your affidavit?"

Mrs Bishop: "I had spent an afternoon in a police station and had seen nine or 10 things I thought were unusual. This was one of the things and I recorded it."

The hearing continues today.

CAP TIMES 26/9/85

Belhar detainees released on bail

33/
Staff Reporter

THREE detainees appeared in the Magistrate's Court and were released on bail yesterday, hours before their lawyers applied to the Supreme Court for an urgent interdict restraining police from assaulting them and declaring their detention invalid.

They are Mr Andre Jeftha, 21, Mr Jerome Booysen, 21, and Mr James Odendaal, 19, all of Belhar, who were held under Section 50 of the Internal Security Act on charges arising out of alleged arson at a school in Belhar. They were released on R250 bail each yesterday after a brief appearance in Goodwood Magistrate's Court on charges of arson.

In the application before Miss Justice Leonora van den Heever in the Supreme Court, Mr Booysen, a clerk at Sanlam, said in an affidavit taken by attorneys while he was in custody, that he had been assaulted while held at Brackenfell police station.

He had been questioned about whether he was involved in the United Democratic Front. When he said "no", a motor car tube was wrapped around his head, he alleged.

"I screamed and struggled and in the process hit my head against the wall and landed on the floor. As I landed on the floor, I was pinned down by about four people who held on to my hands and arms.

"While I was pinned down, a person pulled the tube tightly around my head. I could not breathe."

He almost lost consciousness and while he was lying on the ground someone stood on his stomach and he was kicked in the stomach.

Mr Booysen said: "I was then picked up by my hair. I was slapped and hit in my stomach."

Mr Jeftha, an apprentice draughtsman in Athlone, who was also taken to Brackenfell police station, alleged he was kneed in the stomach, threatened with death, beaten on the neck, punched in the stomach and had a tube wrapped around his face.

Mr Odendaal, a labourer for an electrical contractor, alleged he was thrown bodily to the ground, throttled, assaulted on his genitals and subjected to a variety of other assaults.

Miss Justice Van den Heever ordered that the application be referred for hearing at a date to be decided as a matter of "some urgency" for a decision on costs.

Mr W G Burger, instructed by the State Attorney, appeared for the Minister of Law and Order. Mr Anwar Albertus, instructed by R H Stuurman and Company, appeared for the three men.

CAP 70715 27/9/85
**'Dry braai
'improbable'**

Own Correspondent
PORT ELIZABETH. — Lieutenant John William Fouche, police station commander at Kirkwood, had admitted to being a regular drinker and it was improbable that he had had a "dry braai" before going on duty on Sunday, March 17, the Port Elizabeth Regional Court heard yesterday.

This was said by Mr C R Nicholson, for Mrs Molly Blackburn, MPC for Walmer, and Dr Elizabeth May Thompson, a Cape Town medical practitioner, who are charged with criminal injuria, alternatively defamation.

They have pleaded not guilty to allegedly injuring, insulting and impairing the dignity of Lieutenant Fouche by saying he was drunk, unfit to perform his duties, and smelt of liquor, at Uitenhage police station on March 17.

'Fair'

Mr Nicholson told the court: "Any fair observer of South African society would concede as much, and Lieutenant Fouche appeared embarrassed at the notion that, from after church until 12.45pm, he had nothing to drink during the braai."

Calling for the acquittal of Mrs Blackburn and Dr Thompson, Mr Nicholson said it was grossly improbable that two groups of women, independent of each other, would both smell liquor on someone's breath,

and lay a complaint — unless something had occurred to cause them to react.

"They had not met Lieutenant Fouche prior to that day, and there is no evidence that they conspired to smear him. No witness could show any motive for them falsely implicating him."

'Shootings'

During the commission of inquiry into the shootings at Uitenhage on March 21 — when Lieutenant Fouche gave the order to fire — he Fouche had "fabricated" evidence to protect him in four respects.

Mr Nicholson submitted that this evidence could not be ignored, as it represented a serious criticism of Lieutenant Fouche's character.

He said an allegation of drunkenness had never formed the basis of a criminal injuria charge.

Mr John Scott, for the State, said it was "totally irresponsible" of Mrs Blackburn to have made her statement (about smelling liquor on Lieutenant Fouche's breath) after such a "short confrontation".

Dr Thompson had conceded she was unable to distinguish between a fresh and a stale smell of alcohol, and could not say whether the smell on Lieutenant Fouche's breath was fresh or stale.

Judgment will be given on Monday.

The magistrate was Mr G Steyn.

Editor and reporter deny printing lies about police

27/9/85
331
B. Day

THE trial of Eastern Province Herald editor J C Viviers and reporter Juliette Saunders was postponed to December 2 when they appeared in the Port Elizabeth Magistrate's Court yesterday.

They pleaded not guilty to charges under the Police Act.

The State alleged they infringed a section of the Act which makes it an offence to publish untruths about police actions without having reasonable grounds for believing the information to be true.

The State alleged the newspaper reported police had:

- ☐ Used sjamboks on teenagers;
- ☐ Confiscated Azapo and Azasmo banners;
- ☐ Fired teargas at the crowd;
- ☐ Fired rubber bullets and bird-shot.

Yesterday's proceedings dealt with the privilege or otherwise of a statement made by a member of

the Criminal Investigation Department, Captain Johannes Bosch, to the investigating officer in the case.

Prosecutor H J van der Walt said the statement was privileged after Mike Hannon, SC, (for the defence) put certain questions to Bosch.

The court was told yesterday that Hannon was indisposed.

Hannon's assistant, Eric Leach, asked that another State witness should testify in the meantime, because Hannon had originally cross-examined Bosch.

Van der Walt objected, saying that he wanted to call the State witnesses in proper sequence.

Magistrate J D E Moony, who ruled that the statement was privileged, postponed the case after saying he was not prepared to tell Van der Walt to bring other evidence in the trial at this stage.

Moony said the circumstances and conditions under which Bosch made the statement could, however, be investigated.

Sergeant Johan Botha and Bosch denied yesterday that a sneeze machine had been used on the day an unrest victim was buried in Grahamstown in November.

Botha and Bosch told the court they had been instructed to monitor the movements of a procession during the funeral attended by thousands of people.

Botha said he took the machine back to the charge office after the funeral. It had not been necessary to use the machine, he said.

Bosch said he saw two Casspirs move in the direction of a crowd but did not see any sjamboks.

Hannon is instructed by William Lane, of Bell, Dewar & Hall. — Sapa.

Witness pretended to be part of rampaging mob

A STATE witness told the Pretoria Supreme Court yesterday that he pretended to be a member of a rampaging mob that allegedly murdered a Sharpeville councillor.

Mr X was giving evidence against eight people alleged to have participated in the stoning and killing of Mr Khuzwayo Jacob Dlamini, a town councillor, in September last year. The case is before Mr Acting Justice W J Human and two assessors.

Mr X is one of the witnesses who have been cleared by court to give evidence in camera.

The accused are Mr Mojalefa Reginald Se-fatsa (30), Mr Reid Malebo Mokoena (22), Mr Oupa Moses Diniso (30), Ms Theresa Ramashamula (24), Mr Motseki Christiaan Moku-

bung (23), Mr Motsisi Gideon Mokone (21), Mr Duma Joshua Khumalo (26) and Mr Francis Don Mokgethi (28).

Mr X said he pretended he was part of a rampaging mob of people who are alleged to have stoned the councillor's house that day. He said that he did it out of fear but had managed to hide himself in a shack. Later that day he phoned the police and gave an account of the events.

He identified both Mr Khumalo and Mr Mokgethi as people who were responsible for the manufacturing of petrol bombs and their distribution. He even said Mr Khumalo poured petrol on the kitchen door of a house belonging to the dead man.

(Proceeding)

Sash 2 found not guilty on injuria charge

Own Correspondent

PORT ELIZABETH — The MPC for Walmer, Mrs Molly Blackburn, and a medical practitioner from Paarl, Dr Elizabeth May Thompson, who were charged with crimen injuria, alternatively defamation, were found not guilty and discharged in the Regional Court here yesterday.

The State alleged that Mrs Blackburn and Dr Thompson injured, insulted and impaired the dignity of Lieutenant John William Fouche, station commander at Kirkwood, by saying he was drunk, unfit to perform his duties and smelt of liquor at the Uitenhage police station on March 17 this year.

They had pleaded not guilty.

Giving his verdict in a packed courtroom, Mr G Steyn, president of the Regional Court, said the two were part of a Black Sash group which witnessed an assault on a black youth in the CID offices at Uitenhage. The youth was then whisked away.

Mr Steyn said that while the group was trying to find out what had happened to the youth, Mrs Blackburn came into contact with Lieutenant Fouche and got the impression that he had been drinking.

He said there was a dispute as to the exact words she allegedly used when she registered her observation about Lieutenant Fouche. Mrs Blackburn had told the court that she told Mr G J Groenewald, a magistrate, that she wished to place on record that she believed Lieutenant Fouche had been drinking.

'Made a very good impression'

He said the State witnesses and Mrs Blackburn made a very good impression when giving evidence.

Dr G E Nel had been a credible and fair witness. He had told the court that he had observed Lieutenant Fouche and found no signs of slurred speech, ataxic gait and breath smelling of liquor.

Mr Steyn said the State had failed to prove beyond reasonable doubt that Mrs Blackburn could have been either directly or indirectly legally aware that Lieutenant Fouche was sober. She could not have been aware that her judgment of him was wrong.

Dr Thompson was also found not guilty because there was no evidence to suggest that she had said Lieutenant Fouche had been drinking or was drunk.

On the defamation charge, the magistrate said Dr Thompson had prepared an affidavit on the events of that day, which was later made available to the Sunday Tribune. This was all done in Cape Town and if an offence had been committed to defame Lieutenant Fouche it was not perpetrated in the area of his jurisdiction.

Witness alleges police pressure

Pretoria Correspondent

Police told a witness to incriminate two of the eight people charged with burning a Sharpeville deputy mayor alive during riots over rent increases last year, the Pretoria Supreme Court heard yesterday. **STAR**

Mr Mojalefa Reginald Sefatsa (30), Mr Reid Malebo Mokoena (22), Mr Oupa Moses Diniso (30), Ms Theresa Ramashamola (24), Mr Motseki Christiaan Moku-bung (23), Mr Motsiri Gideon Mokone (21), Mr Duma Josua Khumalo (26) and Mr Francis Don Mokgesi (23) pleaded not guilty to murdering Mr Kuz-wayo Jacob Dlamini on September 3 last year.

They also pleaded not guilty to a charge of subversion under the Internal Security Act, and not guilty to two alternative charges of malicious damage to property and to arson.

In May, a witness who may not be named made a statement to an attorney saying police had told him to incriminate Mr Mokgesi and Mr Khumalo.

As the statement was made to an attorney, it was privileged.

Mr J Unterhalter SC asked that if the witness refused to answer questions on the statement, Mr Acting Justice Human should order him to do so.

The acting judge refused the request, saying the statement was privileged.

2/10/85
The witness told the court yesterday that a crowd gathered at Mr Dlamini's house and Mr Mokgesi/ered the mob to burn the building.

The deputy mayor tried to escape but was stoned, knifed and dragged to his burning car.

The witness said he saw strips of sponge, soaked in petrol, being thrown on Mr Dlamini.

The crowd tried several times to hoist the deputy mayor on to the car, but he slipped off. They then put him on the ground and later pushed him half into the boot of the car.

The witness said he left the scene at that point because he was frightened.

The hearing continues.

ing.

CAP. TIME 2/10/85
3 years
for man
guilty of
stoning

Court Reporter

A 24-YEAR-OLD unemployed Guguletu man convicted of public violence was yesterday sentenced to three years' imprisonment by a Wynberg regional magistrate.

Vumile Tshijolo, 24, had pleaded not guilty to stoning two police vehicles and a post office vehicle on August 26 at NY1 and NY7, Guguletu.

He said in evidence that he had seen a bakery van with its tyres flattened and was approached by three policemen who accused him of flattening the tyres. He was then arrested. He denied being part of the group throwing stones.

The magistrate, Mr A P Kotze, said in sentence that a criminal element who acted without purpose and damaged anything in sight had emerged in recent unrest. This could not be tolerated.

Mr A P Kotze was the magistrate. Mr J Bezuidenhout prosecuted.

By RENEE MODIE

Two Athlone magistrates with strong religious convictions have revealed that they resigned from the Bench to avoid presiding over unrest-related trials.

Speaking out on the reasons for their resignations for the first time this week, Mr Eshaam Palmer, who with Mrs Pam Sickle handed in his resignation from the Department of Justice at the end of August, told the Cape Times that their resignations stemmed from the current unrest and their unwillingness to be called on to preside over unrest-related trials.

The two had previously been unable to discuss their resignations publicly as they were still public servants.

Mrs Sickle declined to participate in the interview, but said that Mr

Magistrates quit to avoid 'political trials'

Palmer could speak for both of them.

Interviewed at his Charlesville home, Mr Palmer said: "Although we would not have been forced to do political trials, when the unrest started and people were being arrested we knew there would be political trials. We did not want to be put in the position of having either to refuse to do them or to do them."

"Pam is a committed Christian and I am a Muslim and we felt on religious grounds we had to identify with the ordinary people. We come from the community and we go back to it."

Our consciences would not allow us to be part of the system in times like this."

He and Mrs Sickle had not had to preside over any political cases before they left. "In fact, there was a long shot we might never have had to, but we did not want to take the chance."

Asked if they had experienced any pressure from the community to resign, he said they had not, but added: "I think we got out just in time."

Mr Palmer said he had been in the public service for 15 years, having worked his way up from

being a clerk. He completed most of his studies through correspondence, although he also obtained a diploma from the Peninsula Technikon.

His initial reason for becoming a magistrate was that it was a field as yet unexplored by "so-called coloured people."

"In fact, Pam was the first 'coloured' magistrate in the Republic and I was the second. Now that we have resigned there are no coloured magistrates."

Mrs Sickle studied at the University of the Western Cape, and started work as a prosecutor.

She became a magistrate in December 1983, while Mr Palmer was appointed to the Bench in November last year.

Mr Palmer said he and Mrs Sickle would be serving articles to go into private practice as attorneys. "We will be taking dramatic cuts in salaries," said Mr Palmer, who is married and has two sons. Mrs Sickle has one son.

Mr Palmer said both of them had received tremendous support from their families and from legal colleagues in private practice. He said he did not know what other magistrates and prosecutors felt as he had not discussed it with them.

His resignation had been a difficult decision.

"I loved my work as a magistrate, but now I have chosen a new career. We are both still young, and that helps."



Mr Eshaam Palmer

4/10/85
Mrs Shahieda Issel on bail
Court Reporter 331

MRS Shahieda Issel, secretary of Rocklands Civic Association, yesterday appeared in Cape Town Magistrates' Court after spending a month in detention.

Mrs Issel, 29, of Kraai Crescent, Rocklands, Mitchells Plain, was not asked to plead and no charges were put to her.

The hearing was adjourned to October 21 and Mrs Issel was released on bail of R50.

Mr R A Duraan was the magistrate. Mr L S Moffitt prosecuted. Mr E Mohammed of E Moosa and Associates appeared for Mrs Issel.

21 charged with bombing police

Staff Reporter

THIRTEEN men and eight youths each pleaded not guilty in the Wynberg Magistrate's Court yesterday to two charges of public violence arising out of the petrol bombing and stoning of police barracks in Langa.

Bail was set at R500 for one man, at R250 for 11 others, and at R100 for the rest. Twelve were released while the others remained in custody, unable to pay.

The incidents which gave rise to the charges allegedly took place on September 25 and 26. The State alleges that about 30 people gathered to "violently disturb" the public peace by throwing stones.

A second charge, also of public violence, related to the petrol bombing of room six in the police barracks in Zone Two, Langa, with intent to

damage or burn it down.

All the accused were from Langa, except for one, Mr M Majola, who had no fixed address.

They were: Siphiwo Banzi, 25, Xola Joka, 18, Nkululeko Ganca, 20, Simon "Tshisa" Tothenga, 19, Thabo Raphahlela, 19, Matoto Maphuthuma, 19, Mokete Nhlapo, 18, Sandile "Booi" Masela, 18, Mkhontowenkosi Majola, 37, Lennox Nobanga, 20, Simon Notyi, 22, Fikile Mayedwa, 23, Russel Grey, 18, and eight youths who may not be named.

Two of the youths and seven men are still in custody. The men are Mr Banzi, whose bail was R500, and Mr Joka, Mr Tothenga, Mr Maphuthuma, Mr Majola, Mr Nobanga and Mr Mayedwa, whose bail was R250 each.

The hearing was postponed to October 30.

Mr P Engelbrecht was the magistrate. Mrs C Teuteberg appeared for the State. Mr M Parker appeared for four of the men, and Mr Y Ebrahim appeared for the others.

Eight Belhar pupils in court

Staff Reporter

EIGHT schoolboys all under 18 years of age were yesterday charged in the Goodwood Magistrate's Court with public violence and then released on warning into the custody of their parents.

The boys, who may not be named as they are minors, are alleged to have gathered unlawfully with others at the Belhar Senior Secondary School No 2 with intent

to disturb the public peace by taunting police and throwing stones.

They were not asked to plead.

The boys were arrested on Thursday at the school in Erica Avenue, Belhar.

The hearing was postponed to October 31 for trial.

Mr B C van Deventer was the magistrate. Mr F Potgieter appeared for the State. Mr R H Stuurman appeared for the boys.

Bail application ³³¹ for 22 tomorrow STAR

Pretoria Correspondent

A full Bench of the Pretoria Supreme Court decided yesterday that it would hear a bail application by 22 members of the United Democratic Front (UDF) who go on trial for treason on October 16.

The deputy-Judge President, Mr Justice Eloff, and Mr Justice Preiss, with Mr Justice Stegmann dissenting, ruled that the court had the jurisdiction to hear the bail application.

Mr Justice Preiss and Mr Justice Stegmann, with Mr Justice Eloff dissenting, ruled that certificates issued by the Attorney-General denying the 22 treason trialists the right to apply for bail were invalid.

Mr Justice Stegmann found that the Attorney-General was bound to hear evidence from both sides before issuing the certificates. Mr Justice Preiss rea-

soned that the certificates were invalid as they had been issued before the arrest of the detainees. 8/10/85

Yesterday afternoon Mr P B Jacobs representing the State, argued that, as the judges had given different reasons for finding the certificates invalid, their ruling could not be upheld.

He asked for leave to appeal to the Bloemfontein appellate division against the decision.

Mr I Mohammed (SC) representing the 22 treason trialists, said the State could not appeal against the judges' ruling as the bail application, which only formed part of the case, had not yet been heard.

After an adjournment Mr Justice Eloff said the court had decided unanimously that it was free to consider the merits of the bail application, which will be heard tomorrow.

Argus 8/16/85 (275) 331

Man on violence charge

A 21-YEAR-OLD Mitchell's Plain man appeared in Wynberg Regional Court in connection with an attack on a meat truck in the suburb last Friday.

Mr Leon Peacock pleaded not guilty yesterday to public violence.

He was allegedly among a crowd of about 500 who threw stones and bottles, set alight a meat van and stole meat from it.

Bail was set at R300 and he was warned to appear again on November 5.

CAPL Times 8/10/85 (331)

No-bail certificates invalid, say judges

JOHANNESBURG. — The controversial certificates issued in terms of the Internal Security Act by the Attorney-General of the Transvaal, denying 22 awaiting trial prisoners the right to apply for bail, were yesterday declared invalid in the Pretoria Supreme Court.

Mr Justice C F Eloff, Deputy Judge President of the Transvaal, sitting with Mr Justice H J Press and Mr Justice M S Stegmann ruled (in terms of a majority decision) that the certificates, issued earlier this year by Mr Don Brunette, were invalid.

In addition to this it was ruled that counsel for the applicants, Mr Ismail Mahomed, SC, had followed the correct procedures in his approach

to have the certificates declared null and void and that the Supreme Court had jurisdiction to hear the application and to give judgment concerning it.

The applicants, among them prominent UDF members, are charged with high treason, subversion, terrorism and five counts of murder.

The validity of the certificates was attacked by Mr Mahomed because they did not comply with the "objective jurisdictional fact necessary to issue them".

A magistrate, Mr B J Koekemoer, earlier this year ruled that the certificates were valid and the 22 have since been detained at the Pretoria Central Prison.

Mr Mahomed previously argued that the certificates were invalid "because they had accompanied the arrests of the accused, instead of being issued after the arrests had taken place".

The bail application will be heard tomorrow.

— Sapa

'Man harboured offender'

CAPE TIMES 9/10/83 Staff Reporter 331

A GUGULETU man yesterday appeared in the Cape Town regional court on charges of contravening the Internal Security Act by harbouring a person who allegedly committed an offence under the Internal Security Act.

The State alleges that Ntozelizwe Talakumeni, of Guguletu, between April 1 and June 19 this year, assisted, harboured or failed to report Mr Joseph Monwabisi Majoli alias Temba Hector or Siphon.

The State also alleged that he harboured or failed to report Mr Majoli and Mr Glenville Allister Peters (alias John) while he had reason to believe they intended committing an offence under the Internal Security Act.

The hearing was adjourned to December 11 and Mr Talakumeni was remanded.

Five plead not guilty to court demo charges

Pietermaritzburg
Bureau

FIVE teenagers and three men pleaded not guilty yesterday to demonstrating within 500 m of the College Road Supreme Court here during the UDF treason trial earlier this year.

Victor Mpaku, 32, of Engobo, Transkei, L Mbambo, 30, of Lamontville, Ismael Motloun, 26, and the five youths, who all live in the Pietermaritzburg area, were ar-

rested on May 20 when a crowd of about 200 people gathered outside the court on the pavement opposite the building's high meshed gates. 331

The eight accused appeared in the Magistrates' Court here and were tried in camera to protect the identity of the youths.

Sgt B A Barnard of the Pietermaritzburg police's dog squad told the Court how he saw Mr Mbambo participating in a crowd.

about 20 m away, which was singing, dancing, waving clenched fists and shouting words such as 'amandla' and 'Archie Gumede'. Mr Gumede is one of the 16 treason trialists and a co-president of the UDF.

Under cross-examination by Mr T L Skweyiya, the policeman admitted that as he understood neither Zulu nor Xhosa he did not understand what the songs meant.

Sgt Barnard said police

dogs were not used but had the police not made their arrests the situation could have worsened.

He said he had been instructed to observe certain people who were demonstrating in the crowd and not to lose sight of them until he arrested them. Mercury

He agreed that the treason trial 'had attracted lots of public attention' at home and abroad and that the the court house

was too small to accommodate all of the public.

Six other policemen, including a plainclothes policeman, told the Court how they had arrested the accused after also observing them demonstrating in the crowd. 9/10/85

The trial was adjourned until December 12. The three men had their R200 bail extended and the five minors were released in the custody of parents or legal guardians.

Treason trial: bail hearing postponed

Pretoria Bureau

The bail hearing for the 22 Vaal Triangle treason accused has been postponed until October 18 to allow the defence time to file certain replying affidavits. (331)

The State yesterday submitted a number of police affidavits opposing bail, in the Pretoria Supreme Court.

There has been a lengthy legal wrangle over bail for the 22, who are facing charges of high treason, terrorism, subversion and murder.

The Attorney-General of the Transvaal, Mr Donald Brunette, issued certificates denying bail.

INVALID

But a Full Bench of the Pretoria Supreme Court ruled in a majority judgment earlier this week that these documents were invalid and said the higher court was empowered to hear a bail application. STAR

Most of the accused, who include leading members of the United Democratic Front and the Vaal Civic Association, have been behind bars for more than six months. 10/10/85

They were due to go to trial on October 16 but the case will now have to be postponed.

● Mr Flip Jacobs appeared for the State and Mr Ismail Mahomed and Mr Zac Yacoub for the accused. Mr Justice Eloff, Mr Justice Preiss and Mr Justice Stegmann were on the Bench.

Inkatha members jailed for attacks on UDF supporters

331 (127) 13/10/85

SEVEN Inkatha members - including women's brigade central committee member Nora Dlamini - were this week found guilty of burning down the homes of UDF supporters in Hambanathi.

Magistrate HW Weitz warned that they had no right to take the law into their own hands.

The group were convicted of arson and malicious dam-

age to property after burning down a garage, setting a car alight and stoning Joint Rent Action Committee chairman Richard Gumede's home last August.

★ Dlamini, her daughter Nomthandazo Dlamini, 32, Andrietta Ngema, 45, and Jonathan Mthembu, 31 were jailed for three years, with half the sentence suspended for five years.

★ Dlamini's son Meshack, 22, was jailed for 18 months, half suspended - for malicious damage to property.

★ Two youths were given an 18-month suspended sentence, and five cuts each.

The seven are out on bail pending an appeal.

There are several other charges pending against Hambanathi Inkatha members arising from clashes last year.

Bail application to be made on Friday

TREASON 22 IN

TWENTY-TWO political activists, including an Anglican priest and prominent members of the United Democratic Front will appear in the Bethal Circuit Court tomorrow on charges of high treason, murder and terrorism.

The twenty-two accused, most of whom were arrested in September last year following the unrest in the Vaal Triangle, are to appear for formal remand pending the outcome of their bail application scheduled to be heard in the Pretoria Supreme Court on Friday.

The bail application, which was due to be heard last Wednesday was postponed following a request by the defence counsel. Mr Ismael Mohammed (SC), asked for the postponement to prepare replying affidavits after receiving papers from the State

**By MONK
NKOMO**

last Wednesday morning — contesting the bail application.

The full bench of the Pretoria Supreme Court, including the deputy Judge President, Mr Justice Eloff and Mr Justice Preiss with Mr Justice Stegmann dissenting, earlier ruled that the court had the jurisdiction to hear the bail application. Mr Justice Preiss and Mr Justice Stegmann, with Mr Justice Eloff dissenting, ruled that the certificates issued by the Attorney-General denying

BETHAL COURT

the accused the right to make a bail application, were invalid.

Mr Justice Stegmann found that the Attorney-General was bound to hear evidence from both sides before issuing the certificates. Mr Justice Preiss said the certificates were invalid as they had been issued before the arrest of the ac-

cused. The court unanimously decided that it was free to consider the merits of the bail application.

Mr P B Jacobs (SC), for the State, indicated that they would appeal to the Appellate Division in Bloemfontein against the decision arguing that the judges had given different reasons in finding the certificates invalid.

Their ruling, he added, could not be upheld.

The 22 detainees include the Anglican priest of Sharpeville, the Reverend Tebogo Moselane, publicity secretary of the UDF, Mr Patrick "Terror" Lekota, the organisation's general secretary Mr Popo Molefe and Mr Moses Chikane, another UDF official.

Sowetan

331

15/10/85

AR645 15/10/85 (28/10/85)

Pupil released after application

Staff Reporter

BOLAND pupil Mr David de Jager was released from detention today after an urgent application asking for his release was brought before a Somerset West magistrate.

Mr de Jager, 21, a matric pupil at Gordon Senior Secondary School in Somerset West, was detained 12 days ago under Section 50 of the Internal Security Act, according to attorney Mr Trevor de Bruyn.

Mr de Bruyn, of Groepe de Bruyn in Stellenbosch, said Section 50 provided for up to two weeks in detention if the police had reasonable grounds to suspect a crime.

The magistrate, Mr A J Jooste, said Mr de Jager was released because "calm has returned to the schools in the area" and not because of the application. He said security police agreed to release Mr de Jager because unrest had abated.

The application signed by Mr de Jager was made to Mr Jooste last night. It was made in terms of sub-section 5 of the Internal Security Act which states that a magistrate may order the release of a detainee before the 14 days expire.

Charge withdrawn

Court Reporter

A CHARGE of attending an illegal gathering was withdrawn in the Wynberg Magistrate's Court against UCT lecturer Mr Nanooj Singh.

Magistrate Mr P Theron ruled that a notice in the Government Gazette relating to illegal gatherings was invalid.

Mr M Sher appeared for the State. Mr Singh was represented by Ms Andy Durbach.

331

day, October 16, 1985

Four admit supporting ANC but refuse to plead

16/10/85
Pretoria Bureau (331)

FOUR men facing charges of terrorism together with nine others in the Supreme Court at Estcourt, yesterday admitted to being members of the banned ANC and refused to participate in any way in the court proceedings.

Norbert Buthelezi, 23, Ingwavuma district last year, speaking before a crowded public gallery on behalf of himself and three others — Wilfred Mapumulo, 28, Robert Dumisa, 26, and James Marupeng, 26, — told Mr Justice Wilson they did not recognise the jurisdiction of the courts.

They said the courts were 'a loyal and faithful arm' of the Government the ANC was seeking to destroy. They were prepared to face the consequences of their decision 'however bitter they may be'.

All four men refused to plead to the charges against them and Mr Justice Wilson entered pleas of not guilty on their behalf.

Police

They declined an opportunity to appoint legal representatives.

The other accused are represented by Mr Denis Kuny, SC, assisted by Mr Pius Langa.

There was a strong police presence around the Magistrate's Court building where the trial was held. The accused sat in a glass-enclosed dock which was specially erected for the hearing.

The other nine accused in the trial, including a woman, are: Bhekizazai Mthelhuva, 31, Vusumuzi Nyawo, 30, Amos Mafuleka, 21, Joel Makhunga, 27, Mfinywani Bamali, 41, Dumezweni Myeni, 35, Bofana Mafu, 35, Boy Myubul, 39, and Nokuhamba Nyawo, 64.

They pleaded not guilty to the charges of terrorism and various alternatives relating to contraventions of the Arms and Ammunitions Act.

The charges against all 13 accused relate to the discovery of a large cache of arms in caves in the

Ingwavuma district last year.

The indictment alleges that bases were established in the area for the recruitment and training of locals in the use of weapons.

The State alleges that the police had to shoot their way into the caves where the arms were stored and as a result two trained terrorists were killed and a policeman injured.

It is alleged that Mr Mapumulo, Mr Dumisa, Mr Marupeng and Mr Buthelezi underwent military training outside South Africa.

In a statement on behalf of the four men, Mr Buthelezi admitted that they were members of Umkhonto We Sizwe (Spear of the Nation which is the military wing of the ANC) — an organisation which was committed to overthrowing the 'racist' South African Government.

Mr Buthelezi said they were trained in the art of warfare and regarded themselves as 'fully fledged soldiers of our army'.

He told the Court they regarded themselves as prisoners of war in the fight against apartheid and oppression and they rejected the notion that they had committed a crime.

Brutal

'Apartheid has been declared a crime against humanity. Nationally and internationally this Government is criticised for its apartheid policy.'

'Today our people live in a state of emergency which has resulted in the brutal killing of protesters against these unjust laws — the laws which make us sub-humans.'

Therefore to participate in this Court would be a betrayal of millions of blacks who suffer daily here... we are prepared to face the consequences however bitter they may be.

'There is no price we will not pay for our human dignity,' he said.

The hearing continues today.

Mr Ross Stuart and Mr Christo van Schalkwyk are appearing for the State.

Treason trial delay likely (331)

Pretoria Bureau

STAR

The 22 Vaal Triangle treason accused are expected to appear in the Supreme Court, Bethal, this morning for what was to have been the start of their trial. 10/10/85-

But a bail appeal is pending in the Pretoria Supreme Court and the trial is likely to be postponed until November.

The venue for the trial is also expected to be changed to Delmas.

The State has more than 200 witnesses and observers say the hearing could take a year.

None of the accused, who include prominent members of the UDF and the Vaal Civic Association and are facing charges of treason, terrorism, subversion and murder, has yet been asked to plead.

Soweto pupils: charges dropped

(331)
2-18 STAR
Charges against more than 160 pupils from a number of Soweto high schools were withdrawn yesterday when they appeared in the Soweto Magistrate's Court in connection with allegations of contravening an order under the emergency regulations.

The order provides that during school hours no pupil of any school in Soweto, Meadowlands, Diepkloof and Dobsonville shall take part in any activities which have no direct bearing on lessons and are not supervised or ordered by a teacher.

16/10/85
The pupils were not asked to plead.

The magistrate, Mr C Bezuidenhout, gave no reasons for the withdrawal of the charges.

Most of the pupils were arrested in August and early September.

ANC members reject court as 'govt arm'

Own Correspondent

MARITZBURG. — Four men facing charges of terrorism together with nine others in the Supreme Court at Estcourt, yesterday admitted being members of the banned ANC and refused to participate in any way in the court proceedings.

Norbert Buthelezi, 23, speaking on behalf of himself and three others — Wilfred Mapumulo, 28, Robert Dumisa, 26, and James Marupeng, 26 — told Mr Justice Wilson they did not recognize the jurisdiction of the courts.

They said the courts were "a loyal and faithful arm" of the government the ANC was seeking to destroy. They were prepared to face the consequences of their decision "however bitter they may be".

Refused to plead

All four men refused to plead to the charges against them and Mr Justice Wilson entered pleas of not guilty on their behalf.

They declined an opportunity to appoint legal representatives.

The other accused are represented by Mr Denis Kuny, SC, assisted by Mr Pius Langa.

There was a strong police presence around the Magistrate's Court building where the trial was held and the accused sat in a glass-enclosed dock which was erected for the hearing.

The public was searched with metal detectors before being allowed into the court.

Other nine

The other nine accused in the trial are: Bhekizazai Mthelhuva, 31, Vusumuzi Nyawo, 30, Amos Mafuleka, 21, Joel Makhunga, 27, Mfinywani Bamali, 41, Dumezweni Myeni, 35,

Bofana Mafu, 35, Boy Mvubu, 39, and Mrs Nokuhamba Nyawo, 64.

They pleaded not guilty to the charges of terrorism and various alternatives relating to contraventions of the Arms and Ammunitions Act.

The charges against all 13 relate to the discovery of a large cache of arms in caves in the Ingwavuma district last year.

The indictment alleges that bases were established in the area for the recruitment and training of locals in the use of weapons.

Shootout

The State alleges that the police had to shoot their way into the caves where the arms were stored and as a result two trained terrorists were killed and a policeman was injured.

It is alleged that Mr Mapumulo, Mr Dumisa, Mr Marupeng and Mr Buthelezi underwent military training outside South Africa.

In a statement on behalf of the four men, Mr Buthelezi admitted that they were members of Umkhonto We Sizwe (Spear of the Nation, the military wing of the ANC) — an organization which was committed to overthrowing the South African Government.

Mr Buthelezi said they were trained in the art of warfare and regarded themselves as "fully fledged soldiers of our army".

He told the court they regarded themselves as prisoners of war in the fight against apartheid and oppression and they rejected the notion that they had committed a crime.

"There is no price we will not pay for our human dignity," he said.

The hearing continues today.

CAPE TIMES 16/10/85 (331)

Moloise to hang on Friday



Mrs Beverley Moloise, mother of Benjamin Moloise.

JOHANNESBURG. — President P W Botha yesterday refused a new trial for Malesela Benjamin Moloise — sentenced to death for murdering a security policeman — and he will be executed on Friday.

His attorney Ms Priscilla Jana yesterday said she petitioned Mr Botha for a new trial on September 10 on the basis of new psychiatric and sociological evidence, but heard yesterday that the appeal had failed.

"We are all in a terrible state of shock," she said.

"His mother has just heard and she is not able to talk about it yet."

Ms Jana said all legal channels to save Moloise's life had been exhausted but she probably would file an appeal for clemency on humanitarian grounds.

A spokesman for her office said Moloise would be informed of his fate this morning when his mother and counsel visit him in prison.

Moloise, who was sentenced to death in June 1983 for killing Warrant

Officer Phillipus Selepe, of Mamelodi, was due to hang at dawn on August 21, but a judge granted a last-minute 21-day stay of execution saying there was new evidence of extreme psychological pressure at the time of the attack.

According to Ms Jana's office, the petition sent to Mr Botha was based on a report by a sociologist who interviewed Moloise and several close friends.

The report had never been raised in court before and related to the pressures under which Moloise acted during the killing.

He admitted being a member of the ANC and acknowledged last month he was involved in planning the murder. But he said he did not pull the trigger.

The ANC claimed responsibility for killing Warrant Officer Selepe, but said Moloise was not the hit man.

His initial execution order provoked local and international appeals for clemency. — Own Correspondent and UPI

Copy Times 16/10/85 (16/10/85)

Appeals to spare Moloise's life 331

JOHANNESBURG. — The African National Congress has appealed to the international community to intercede on behalf of Benjamin Moloise who is due to be executed on Friday.

President P W Botha refused to grant a retrial for Moloise who was sentenced to death for murdering a security policeman.

In a statement from Lusaka, the ANC appealed to the international community to put pressure on South Africa to have the execution stopped. The ANC said the execution would lead to a "hardening of attitudes".

● The South African Council of Churches said the impending execution was a sign that the country's leaders still had no respect for the feelings of the majority of South Africans.

● Politicians and anti-apartheid supporters in Britain greeted news with dismay and anger.

A Labour Party spokesman said the rejection of Moloise's appeal was a further indication that President Botha "has no intention of bringing about peace-

ful and humane reform in South Africa".

The Anti-Apartheid Movement said Moloise's execution will "be an act of judicial murder". They appealed to the British Government to intervene and organized three pickets, including an all-night vigil on Thursday night in front of South Africa's embassy.

'No comment'

The Foreign Office in London had no comment.

● Simon Barber reports from Washington that the Reagan administration yesterday restated its plea for Moloise's life, but would not be making special representations.

State Department spokesman Charles Redman said Washington had been in touch with Pretoria recently. He noted that the American position had been clear since January last year when the US voted for UN Security resolution 457 which, among other things, called on South Africa to spare Moloise. — Sapa and Own Correspondent

New venue for trial

Defence asks for postponement

331

of Vaal treason 22

THE trial of the 22 Vaal Triangle treason accused is now expected to begin on November 4 in Delmas.

The men made a brief appearance in the Supreme Court in Bethal yesterday morning and were remanded.

SOWETAN Reporter

presence of top UDF staffers and Vaal Civic Association members who are among the accused.

Most of the proceedings were taken up with a complaint by the defence that an article in a Sunday newspaper was prejudicial to its case because it clearly linked the African National Congress — and its violent tactics — to the UDF.

Mr Justice van Dijkhorst said he would rule on this when the trial began in November.

They were not asked to plead to the charges, which include high treason, terrorism, subversion and murder.

Mr Arthur Chaskalson, SC, for the accused, told Mr Justice van Dijkhorst yesterday morning that the defence was not able to proceed with the case because it was still awaiting certain documents and further particulars from the State.

Documents

The judge then ordered State counsel, Mr Flip Jacobs, to provide the defence with the documents, which include transcripts of certain United Democratic Front meetings, by today and ruled that the 200 pages of further particulars must be handed to defence counsel by October 22.

There was some confusion at the start of yesterday morning's proceedings because it appeared some counsel had been informed that the case would open in Delmas yesterday.

A number of foreign Pressmen travelled to Bethal to attend the hearing, drawn by the

7 journalists
in court
after UWC rally

Tygerberg Bureau

SEVEN journalists appeared in Bellville Magistrate's Court today in connection with their arrest during a student rally at the University of the Western Cape on October 1.

No charges were put and prosecutor Mr B R Buys asked that the hearing be postponed to December 12 pending a decision by the Attorney-General.

The case against an eighth journalist, Mr Bernard Bisson, 33, of France, was withdrawn as Mr Bisson had been deported from South Africa, Mr Buys said.

The seven journalists are Mr Rafiq Rohan, 32, of Capitol Radio News; Mr Wim de Vos, 38, and Mr Anton van der Merwe, 22, of CBS; Mr George de'Ath, 33, and Mr John Hall, 47, of NBC; Mr Pierre Rommelaere, 26, a freelance journalist and Mr Craig Matthews, 27, of WTN.

Mr E Mohammed of E Moosa and Associates and Mr B Surdut appeared for the defendants. Mr A N Louw was on the Bench.

Treason 331 accused STAR remanded

By Sue Leeman 17/10/85

BETHAL — The trial of the 22 Vaal Triangle treason accused is now expected to begin on November 4 in Delmas.

The men made a brief appearance in the Circuit Court in Bethal yesterday and were remanded.

They were not asked to plead to the charges, which include high treason, terrorism, subversion and murder.

Mr Arthur Chaskalson SC, for the accused, told Mr Justice van Dijkhorst that the defence was not able to proceed with the case because it was still awaiting certain documents and further particulars from the State.

TRANSCRIPTS

The judge then ordered the State to provide the defence with the documents, which include transcripts of United Democratic Front meetings, by today.

He ruled that the 200 pages of further particulars must be handed to defence counsel by October 22.

● A bail application for the 22 will be heard by a Full Bench of the Pretoria Supreme Court tomorrow.

Woman's refusal to testify 'justified'

331 STAR
A woman who refused to testify in a treason trial for "fear of her life and property" had reason to be afraid, a Rand Supreme Court judge heard yesterday.

Dr Nthato Motlana, president of the Soweto Civic Association, told Mr Justice L W H Ackermann of the emotions and views held by black communities.

Dr Motlana was testifying in a trial-within-a-trial to ascertain whether Mrs Sylvia Mabena had a justifiable reason for refusing to give evidence in the trial of three alleged members of the African National Congress.

17/10/85
Mrs Mabena was subpoenaed to testify about one of the accused in the trial of Mr Joseph Boitumelo Leepile (26), Mr Justice Mafa Ngidi (31), no addresses given, and Mr Sipho Stanley Ngwenya (34) of Orlando West, Soweto.

CHARGES

The three men have pleaded not guilty to a charge of treason and charges under the Internal Security Act.

In a previous hearing Mrs Mabena took the oath and refused to give evidence, saying she feared for her life, her son and house.

Dr Motlana said: "I would say there is a very real fear."

Mr Justice Ackermann asked whether the fact that a witness may be sent to prison had any effect on the attitude of members of the community who would regard the person as a sell-out.

"It would have no effect at all," the doctor said. The hearing continues.

Judge in terror trial hits at police

Own Correspondent

ESTCOURT — The judge in the Supreme Court terrorism trial here yesterday slammed the South African Police for allegedly telling a former ANC guerilla he would not be prosecuted if he testified against 13 alleged ANC supporters.

The 13 accused are said to have helped establish ANC arms caches. Nine have pleaded not guilty to the main count of terrorism and to the alternative counts of illegal possession of weapons. They are represented by Mr Dennis Kuny SC.

The other four asked to be treated as prisoners of war. Mr Justice Wilson entered a plea of not guilty.

STAR 331 ACCUSED 17/11/85

The accused are: Mr Wilfred Mapumulo (28), of the Greytown area; Mr Robert Dumisa (26) of Nongoma; Mr James Marupeng (26) of Boksburg; Mr Norbert Buthelezi (23) of Mahlabatini; Mr Vusumuzi Nyawo (30), Mr Dumezweni Myeni (35), Mr Bafana Mafu (35), Mr Boy Mvubu (39) and Mrs Nokuhamba Nyawo (64), all of Ingwavuma; Mr Bhekizazi Mthethwa (31) of Ubombo; and Mr Amos Mafuleka (21), Mr Joel Makhunga (27) and Mr Mfinywani Bamili (41) of Ingwavuma.

Mr Justice Wilson insisted the State explain why the alleged guerilla, who may not be named, had not been warned to appear in court as an accomplice and said it was not the function of the police to exercise mercy.

The trial continues today.

Bid to save Molose

NEW YORK — United Nations secretary-general Mr Javier Perez de Cuellar is heading an international effort to save the life of condemned ANC guerilla Benjamin Molose.

It was clear that the execution "will result in a further deterioration of an already extremely grave situation", he said yesterday.

The Organization of African Unity declared itself in "profound shock" over tomorrow's hanging and said it was proof that the government was prepared to sustain apartheid "at the risk of even further criticism from the international community".

Molose was sentenced to death more than two years ago for the murder of Mamelodi security policeman Mr Philippus Selepe.

● A joint European Economic Community appeal to South Africa for clemency for Molose was expected to be delivered in Pretoria yesterday, the French Foreign Office said in Paris.

● President Daniel Arap Moi said in Nairobi yesterday that unrest in South Africa would worsen if Molose was executed.

● The British Foreign Office and the British Council of Churches have added their voices to the mounting chorus appealing for clemency for the condemned poet.

A picket in support of Molose was held outside South Africa House yesterday. Many people have said they will join the all-night vigil outside the embassy tonight.

● "An act of clemency in the case of Benjamin Molose would do South Africa a great deal of good, both with regard to the black community at home and internationally," PFP MP Mrs Helen Suzman said yesterday. — Sapa-Reuter-AP and Own Correspondents

TV 1, 2 & 3 tonight

- 3.57: Programrooster
- 4.00: Nuus
- 4.05: Stories Uit My Kinderdae: Die Pelgrims Uit Hongkong
- 4.35: Wiekie: Die Vliegende Skip.
- 5.00: As Die Sportgogga Byt: Kragbootwedrenne.
- 5.20: Teletien. A science exhibition held in Pretoria received the first of three in a series on airline navigators, an item on careers.
- 5.50: Van Kleuter Tot Skoolkind: Ek Is Nie Bang Nie.
- 6.05: Uit En Tuis
- 6.50: Kompas: The Rev Dries Beukes.
- 6.55: Weer
- 7.00: Nuus
- 7.25: Agter Elke Man: Episode 7.
- 8.00: Programme Schedule
- 8.01: Network
- 8.50: Hill Street Blues: Of Mouse And Men.
- 9.40: The Boy in the Bush: Arriving. Dismissed from a veterinary college because of a foolish prank, 18-year-old Jack Grant is sent by his father to work on an Australian farm, owned by distant relatives. Jack finds it difficult to adjust to the new surroundings, but slowly things begin to take shape.
- 10.37: Insight: The Rev Reg Coddington.
- 10.40: The Fortesque Files: Telling, Selling: If The Suit Fits.
- 10.55: News
- 11.15: Station Closes

TV2

- 5.46: Prologue
- 5.50: Masidlale
- 6.00: News
- 6.07: Ikhaya Labantwana
- 6.20: Khanyisa Mama/Mame: Single parent families.
- 6.38: The Oddball Couple
- 7.09: Izincweli Zakithi: Artists include: Alec Kgaodi, Lucky Dube, Whoosha, Sam Marais and Natalie.
- 7.38: Ngolwesine
- 8.25: Epilogue
- 8.30: News
- 8.58: Ezisematheni/Undaba-Mlonyeni
- 9.10: Who Needs Computers?

TV4

- 9.33: Dukes Of Hazzard: The Big Heist.
- 10.27: Skattejag
- 11.38: Night Court: The Gypsy.
- 12.02: Station Closes

TV2 review

IT HAS been a long time since Wednesday night sport has been as interesting as it was last night.

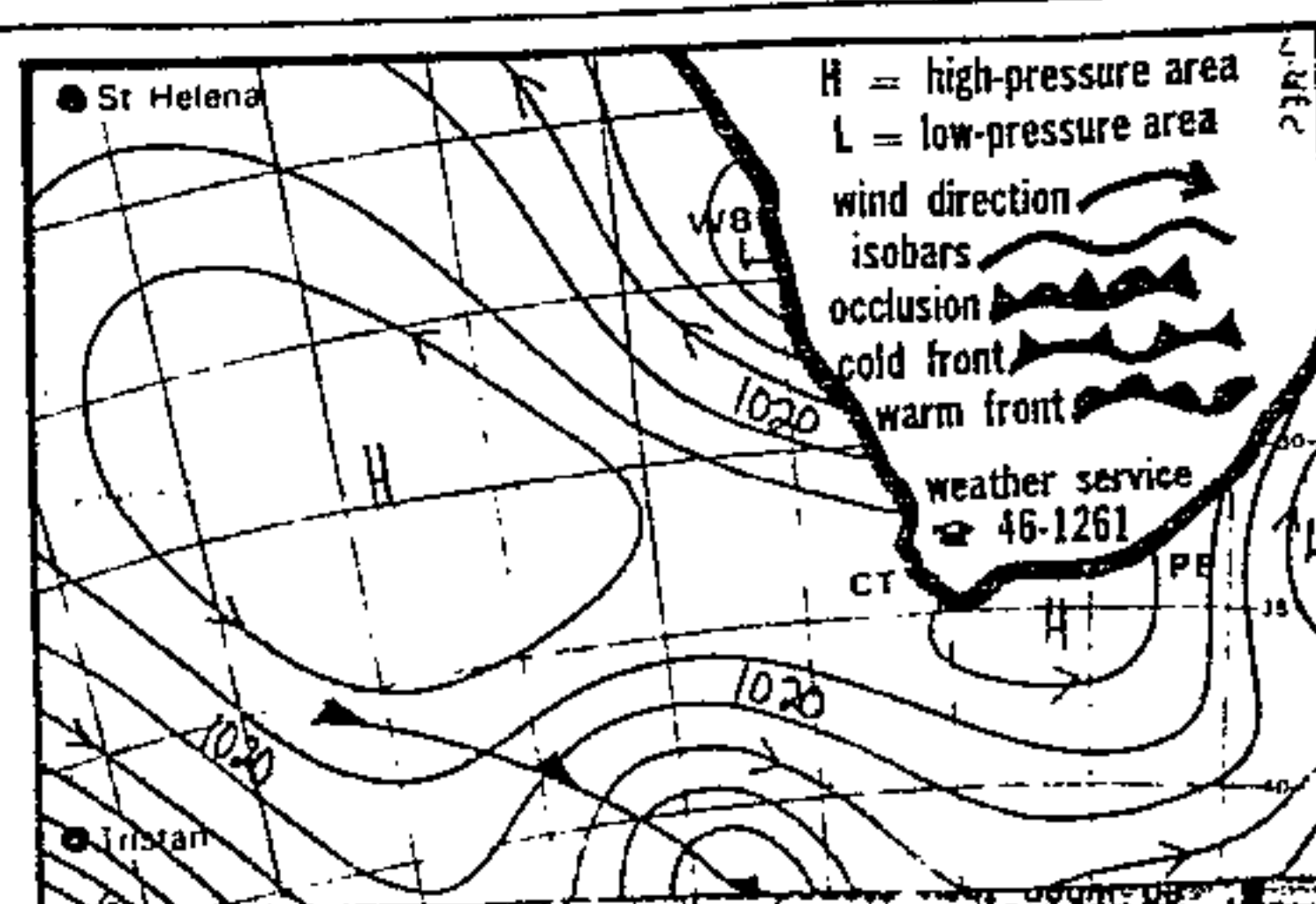
Perhaps the reason was the coverage given to a preview of a wrestling tournament.

This was followed by a long-overdue item featuring former football professionals like Butch Webster and Moffat Zuma, who are following

on the heels of their British counterparts and conducting soccer clinics for young soccer aspirants of all races.

But the highlight was the fascinating interview with the elegant and eloquent Solomon "Stiks" Morewa, general secretary of the Soccer Association of South Africa.

JOE GUWA



Bail hopes rise for treason trialists

LAWYERS for the 22 Pretoria

treason trialists are hopeful that their clients will be granted bail next Friday, following their successful challenge to the certificates issued by the attorney general preventing bail.

The AG has agreed not to issue new certificates following the overthrow of his first set by the Transvaal Supreme Court this week.

This sets the stage for a normal bail hearing next Friday when the court will judge the matter on its merits, rather than on the basis of certificates issued by the AG.

The State has filed papers opposing bail on the grounds that the troubled

WEEKLY MAIL REPORTER

security situation in the country would be worsened by the release of the accused.

The defence attorneys will file replying affidavits this week.

The trial revolves around the Vaal uprising last year. The accused include UDF publicity secretary, Terror Lekota, and UDF general secretary, Popo Molefe.

Most of the accused have been held for over a year. The trial proper was due to start next week, but this will now be postponed because of the bail hearing.

In the hearings this week, the defence argued against the AG's certificates on two grounds:

● They said the certificates were not issued properly. They should be issued after arrest, but they were presented to the accused as they were charged.

● They argued that the AG had failed in his duty to hear representations from both sides before issuing the certificates.

A full bench of three judges upheld the defence challenge with a split decision, and said there were no grounds for an appeal.

Fine for protest at jail death of child

CAP Tm 15 17/10/84
Court Reporter

TWO MOTHERS who chained themselves to the gates of Parliament in protest against the death in detention of 12-year-old Johannes Spogter, of Steytlerville, were yesterday fined R50 (or 25 days) in the Magistrates Court.

Mrs Beverley Ann Runciman, 31, of Zeekoevlei, and Mrs Cornelia Bullen-Smith, 31, of Mui-zenberg, pleaded not guilty to holding a demonstration in a restricted area on July 18 this year.

Mrs Runciman and Mrs Smith previously admitted chaining themselves to gate 4 of Parliament with placards on their backs reading "A Child has Died in Detention" and "We are Horrified at his Death".

Horror

Mrs Runciman, who is pregnant, said in evidence: "When a 12-year-old boy died in detention I was shattered that a country that professes to be Christian allows a child to die in police cells. All I could think of was that a mother had lost a child.

"Cornelia and I were completely stunned by the horror of this incident and this has deepened because of recent incidents."

She said she had been distressed by the lack of concern for human beings in this country and wanted people to stop and notice that this had happened in South Africa.

Mr A M Omar, for the woman, said in mitigation of sentence that they had acted not as political activists but as "mothers who were extending their feelings to a mother who had lost her child".

Mr R A Duraan was the magistrate. Mr L S Moffitt prosecuted. Mr Omar was instructed by Ms Andrea Durbach of Bernadt, Vukic and Potash.

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Teargas in Moloise home (3)

JOHANNESBURG. — Soldiers surrounded and teargassed the Soweto home of condemned Benjamin Moloise last night, while elderly women comforted his mother on the eve of his hanging in Pretoria.

"It was like the house was on fire," said United Press International reporter Montshiwa Moroke, who watched as soldiers in three armoured trucks surrounded the house and fired teargas after ordering youths attending a vigil to disperse.

Earlier yesterday, Moloise, who was sentenced to death for killing a policeman, met his aged mother for the last time.

About 200 black youths gathered in a tent in the garden of the Soweto home about 7pm.

The soldiers arrived an hour later and said the gathering was illegal. They refused to discuss the ban with Moloise's lawyer, Ms Priscilla Jana.

Teargas was fired from two sides of the house as youths took refuge inside. Soldiers then agreed to withdraw and give the crowd time to disperse when those inside refused to open up.

— UPI

Terror trial told of arms cache at Swazi kraal

Pietermaritzburg
Bureau

A STATE witness at a terrorism trial, in which his mother and brother are among the accused, told the Supreme Court in Estcourt yesterday of a cache of arms and ammunition shown to him in

Swaziland by his uncle who admitted to being a member of the ANC.

Mr Msongomane Nyawo was earlier warned that he could face prosecution, but would be granted indemnity if his evidence was found to be satisfactory.

He told Mr Justice Wilson that he was afraid his uncle, Jameson Mngomezulu, might have killed him if he had reported what he knew to the police and added he was still afraid.

He was testifying at the trial of 12 men and a woman charged with terrorism in connection with large caches of arms, ammunition and explosives, discovered in caves in the Ingwavuma district last year.

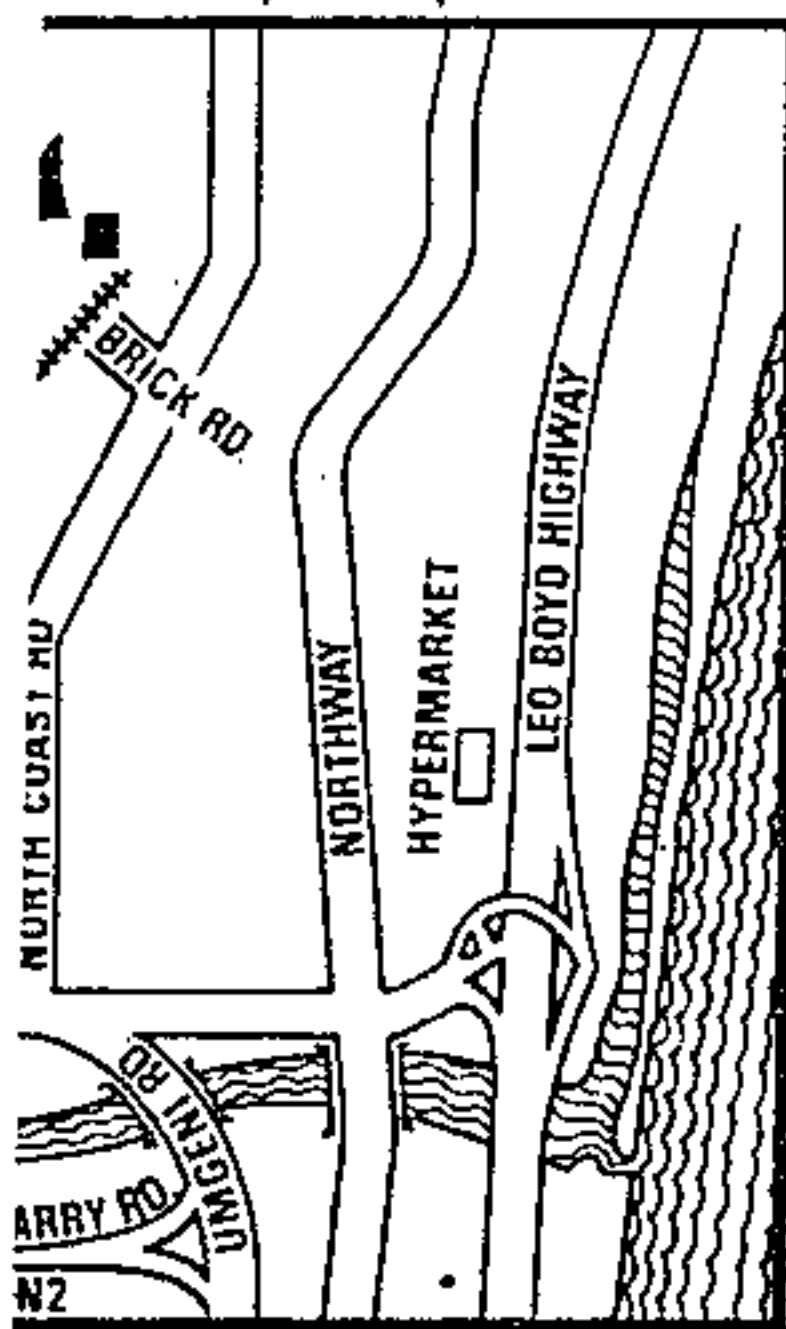
Nine of the accused, including mother and brother have pleaded not guilty. Four have refused to participate in the trial and have admitted that they are members of the military wing of the ANC.

Mr Nyawo told Mr Justice Wilson that he went to Swaziland in February last year in an attempt to persuade his uncle to return to South Africa.

He told the Court his uncle fled the country because the police were looking for him.

In a rondavel at the kraal his uncle showed him a cache of arms including AK-47 rifles, a machinegun, a loaded machinegun magazine, hand grenades and a limpet mine fuse.

The hearing is continuing.



PORTOBELLO

See the Portobello range today.

DDO Advertising Division Page 11

Alleged

18/10/85
PAC 5

Soweto for trial

FIVE alleged members of the banned Pan Africanist Congress, charged under the Terrorism Act, the Internal Security Act and the Arms and Ammunition Act will appear in the Potchefstroom Regional Court on October 28.

The five, who are presently being held at the Potchefstroom Prison, made their first court appearance on July 9.

They are Mr Jan Shoba (26), of Atteridgeville, Mr Mlandeli Khetye (30), of Mdantsane, Mr Elby July (26), of Kimberley, Mr Michael Gqamane (23), of New Brighton and Mr Bonise Raymond Nkabinde (23), of Jabulani, Soweto.

Recruiting

They are charged with the recruitment of persons in the Republic to join the PAC, recruiting people for military training, unlawfully entering the Republic with the intention of committing acts of sabotage and prejudicing the maintenance of law and order, possession of firearms and ammunition and for being members of the organisation.

The five men will be represented by Mr R L Selvan (SC), assisted by Mr Ernest Moseneke and instructed by Mr Krish Naidoo.

Court rules witness must testify

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A RAND Supreme Court judge ruled that a State witness had no just excuse to refuse to testify in the trial of three alleged ANC members.

Mr Justice L W H Ackerman said that although he accepted that Mrs Sylvia Mabena "genuinely feared" that she may be harmed if she testified, society required that she gave evidence.

Mrs Mabena had told the court earlier she would endanger her life if she testified for the State against Mr Joseph Boitumelo Leepile (26) of Soweto, Mr Justice Mafa Ngidi (31) of Alexandra, and Mr Siphos Stanley Ngwenya of Soweto.

He said Dr Nthato Motlana, a Soweto civic leader, was an impressive witness and did not doubt his sincerity.

Dr Motlana had on Wednesday said a State witness would be in danger of being killed if she easily excused, this were forced to testify in

must testify

BY NKOPANE MAKOBANE

a high treason case because she would be viewed by the black community as a sellout and collaborator with the system.

Dr Motlana said he disagreed with the State that a witness could be protected by excluding the public from court — because witnesses that gave evidence in past

political cases had eventually been known whether they did so in camera or not.

The doctor was testifying in an inquiry to determine if the State witness, Ms Sylvia Mabena of Mapeta, had a legitimate cause to refuse to give evidence in the trial of three alleged ANC members.

She had told the court that if she testified she would be placing her life, that of her son, as well as her property in danger.

Questioned by Ms L Treurnicht, for the State, Dr Motlana said the attacks and intimidations were not only directed at people in authority, but were also felt by "an average township resident. He said

this was evident in cases of people who had disregarded calls for stay-aways and consumer boycotts.

Asked to define what a sellout was, the doctor said it was a person perceived by the black community — that is oppressed and denied franchise — making it possible for the Government to deny the blacks their rights.

UK lawyer barred from meeting UDF trialists

STAR 18/10/85

A representative of the International Commission of Jurists who is visiting South Africa to report on the trials of United Democratic Front members was yesterday refused permission to meet awaiting-trial prisoners at Pretoria Central Prison.

Mr Geoffrey Bindman, an English solicitor, said the murder and treason trials of UDF-linked individuals in Pretoria and Maritzburg had attracted much interest abroad.

"The commission has expressed concern about South African legal procedures in the past and is

anxious to have further reports.

"I have no particular reason to believe that judges will not deal freely with what is before them in accordance with the laws and procedures they are obliged to follow," said Mr Bindman.

What was of concern was that what was being applied in South Africa was not "ordinary laws against generally recognised criminal acts, but rather an attempt to achieve a political objective, which is the suppression of the activities of particular organisations," he said.

The laws which made this possible defined offences in "very broad terms" and enabled suspects and witnesses to be detained for indefinite periods, he said.

Mr Bindman has conducted similar inquiries in Chile, on behalf of Amnesty International.

He had had no problems with the authorities there and had been allowed to see awaiting-trial prisoners.

He will meet the Attorney-General of the Transvaal in Pretoria today and ends his visit on Tuesday.

Policeman tells Sharpeville murder trial . . .

Accused wanted to clear his conscience

AN accused in the Dlamini murder trial made a statement before a magistrate after he had told a policeman of his wish to clear his conscience, the Pretoria Supreme Court heard yesterday.

Saying this before Mr Acting Justice W J Human and two assessors was Detective-Sergeant James Gullmer in a case arising from the death of a Sharpeville councillor, Mr Khuzwayo Jacob Dlamini, who was stoned and set alight by a rampaging mob during unrest in the Vaal Triangle on September 3 last year.

Eight residents of Sharpeville are appearing in connection with the killing, stoning and burning of Mr Dlamini's house and a car. The accused are Mojalefa Reginald Sefatsa (30), Mr Reid Malebo Mokoena (22), Mr Oupa Moses Diniso (30), Ms Theresa Ramashamula (24), Mr Motseki Christiaan Mokubung (23), Mr Motsiri Gideon Mokone (21), Mr Duma Joshua Khumalo (26) and Mr Francis Don Mokgesi (28).

Charges

The seven men and a woman are also facing a charge of subversion and alternative charges of malicious damage to property and arson.

Detective-Sergeant Gullmer told the court that he had been questioning Mr Mokoena in the administration offices of the Groenpunt Prison near Vereeniging, when he learnt of his wish to say something about the case. The accused wanted to clear his conscience, he said.

Magistrate

Mr Mokoena also agreed that he be taken to a magistrate to make a statement.

Lt Johannes Mynhardt, who had been in charge of Mr Diniso, said he only questioned him about the gun which was found in his possession. They had discussed among other things golf and "I even said we could play together once he was a freeman", Lt Mynhardt said.

ANC diary details recruits' fears, doubts

Own Correspondent

MARITZBURG. — A detailed diary allegedly kept by one of the 13 people charged with terrorism in the Supreme Court at Estcourt reveals that the ANC had planned at least 50 operations in the country after infiltrating the Ingwavuma district of Zululand last year.

The handwritten account in English tells of daily movements of ANC members in the Ingwavuma district from August 28 until November 21 last year as well as recruiting and military training programmes in the area and the establishment of ammunition and arms caches, and DLBs (Dead Letter Boxes).

It was allegedly written by Robert Dumisa — one of four accused who have refused to participate in the trial and who have declared their loyalty to the military wing of the ANC, Umkhonto we Sizwe, asking for prisoner of war status.

The diary tells of fears and doubts expressed by recruits in Ingwavuma and the need to gain their confidence. "Their full participation will be determined by our first 50 operations," the diary says.

The diary continues under a head-

ing marked "Very Import", saying: "People have no confidence about our capability to strike at the enemy and win. They have accepted us because we talk the truth about oppression and we are their children and brothers."

"Now it is up to us to demonstrate our capability to fight more than the Boers and win the war. People want a practical man. If need be they must see our dead bodies, they must bury them. So that they say, 'They never left us. They died defending us, teaching us how to fight the enemy. They were true to what they said'."

"Yet, the most important thing is to fight skilfully so as to fight until liberation."

The document refers to fears that the base camp could be discovered by "the enemy" and the need to move quickly.

An entry on November 13 last year reads: "We have been hurrying now that the enemy is smelling our presence. We must run to give him a good distance behind."

The diary also refers to the need to keep strict military discipline within the "unit".

The hearing continues on Monday.

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W/E News 19/9/81

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World's anger at Molaise execution

FOREIGN governments expressed anger today at the hanging of Benjamin Molaise, convicted of killing a security policeman in Soweto last year.

Molaise denied committing the murder, his lawyers claiming he confessed under duress. But he acknowledged he was an accomplice.

The British Foreign Office said in a statement the execution "will only exacerbate the internal situation in South Africa".

The European Community in a statement in Brussels said. "It must be feared that, by its attitude, Pretoria has strengthened the danger of escalation in violence of which the population, which demands the recognition of its elementary and fundamental rights, will be the first victim."

The US State Department, expressing regret over the hanging, said Pretoria should have granted the defendant clemency.

Deplored

"We have made plain our opinion that clemency in this case was justified," the department said in a statement.

Officials of the Commonwealth, meeting in Nassau, the Bahamas, also deplored the hanging.

"This act again demonstrates the contempt with which the South African Government treats world opinion," a Commonwealth Secretariat spokesman said.

In Paris, Prime Minister Laurent Fabius stood with fists clenched outside the South African Embassy today, observing one minute's silence in memory of Molaise.

"It is an execution carried out in contempt of the rights of man by the racist regime in Pretoria," the Socialist Premier said in a statement.

The West Germans said the hanging would damage chances for peaceful reform and the Dutch said it deeply regretted the failure to show clemency. — Sapa-Reuter-AP.

Terrorism trial diary tells of 50 planned operations

Mercury (331) 19/10/85

Pietermaritzburg
Bureau

A DETAILED diary allegedly kept by one of the 13 people facing charges of terrorism in the Supreme Court at Estcourt reveals that the ANC had planned at least 50 operations in South Africa after infiltrating the Ingwavuma district of Zululand last year.

The handwritten account in English, an exhibit before the Court, tells of daily movements of ANC members in the Ingwavuma district from August 28 until November 21 last year as well as recruiting and military training programmes in the area and the establishment of ammunition and arms caches and DLBs (dead letter boxes).

The diary is alleged to

have been compiled by Robert Dumisa, one of four accused who have refused to participate in their trial and who have declared their loyalty to the military wing of the ANC, Umkhonto we Sizwe, in court, asking that they be accorded prisoner-of-war status.

The diary tells of fears and doubts expressed by recruits in Ingwavuma and the need to gain their confidence.

'Their full participation will be determined by our first 50 operations,' the diary states.

'We will die here rather than retreat to the rear whatever the situation for the sake of people we are working with now.'

It continues under a heading marked 'Very

Import': 'People have no confidence about our capability to strike at the enemy and win. They have accepted us because we talk the truth about oppression and we are their children and brothers.'

'Now it is up to us to demonstrate our capability to fight more than the Boers and win the war. People want a practical man. If need be they must see our dead bodies, they must bury them. So that they say: "They never left us. They died defending us, teaching us how to fight the enemy. They were true to what they said."

'Yet the most important thing is to fight skillfully so as to fight until liberation.'

The document refers to fears that the base camp could be discovered by 'the enemy' and the need to move quickly.

An entry on November 13 last year reads: 'We have been hurrying now that the enemy is smelling our presence. We must run, to give him a good distance behind.'

The diary also refers to the need to keep strict military discipline within the 'unit'.

'The members of the unit fail to understand the necessity of strict observance of military norms. Our objective is to produce "warrior guerrillas". This demands strict and very strict adherence to military norms.'

The hearing will continue on Monday.

No bail for treason accused ^{STAR} but the door is ³³¹ not closed ^{19/10/85}

— by —
Sue Leeman,
Pretoria Bureau

A full bench of the Pretoria Supreme Court has refused bail to the 22 Vaal Triangle leaders facing treason charges — but has said this is “not the last word on the matter”.

Giving judgment yesterday, Mr Justice CF Eloff said the accused were free to apply for bail again “if there is greater stability in the country in the months ahead”.

However, in the meantime the court had paid attention to an affidavit submitted by the Transvaal Attorney-General stating that the men’s release would imperil the safety of the State.

Mr Justice Eloff added that “although we gave close and anxious thought to the statements submitted by each accused, we cannot find anything sufficient to counter the misgiving expressed by the Attorney-General”.

The judge said the court had taken into account the fact that a number of the accused had already

been in jail for more than a year and that the trial itself was expected to take something like 12 months.

“But the freedom of the individual must be measured against the security of the State. The lives of many more people are involved here.”

None of the accused, who include leading members of the United Democratic Front and the Vaal Civic Association, has yet been asked to plead to the charges of treason, terrorism, subversion and murder. The trial is expected to open in November in Delmas.

Mr Arthur Chaskalson SC, for the accused, told the judges during argument for bail that there was no truth in police allegations that the ANC was planning to spirit the men out of the country should they be released on bail.

However, Mr PB Jacobs, for the State, said releasing the men would give them a chance to commit further offences.

One of the accused, the Rev Geoffrey Moselane, a Sharpeville Anglican priest, said in an affidavit: “The use of firearms is so completely foreign to me personally and to my calling that it can be

described both as far-fetched and particularly hurtful to me.”

His statement is drawn from an affidavit submitted by him to the court this week during the men’s bail application. Each of the accused put together a sworn statement to testify that they were willing to stand trial.

In doing so, they “spoke out” for the first time after months of being held incommunicado in prison cells.

In their statements, most of the men vowed that they loved their country and had firm roots here. Many expressed a longing to see their families.

A number emphasised that they were opposed to violence, among them Mr Petrus Malindi, who said he had become involved in the Vaal Civic Association “because I believed it was a vehicle whereby I could peacefully oppose apartheid”.

Another of the accused, UDF general secretary Mr Popo Molefe, put his finger on what defence counsel has called the crux of the trial when he denied that the UDF had ANC links.

“I can categorically state that the UDF has received no financial support from the ANC. The UDF does not operate under the tutelage of any person or organisation and its leaders are elected by its members in a democratic way.”

12-month sentence for refusing to testify

The Soweto woman who refused to testify in a treason trial “for fear of her life and that of her son” was yesterday sentenced to 12 months’ imprisonment by a Rand Supreme Court judge.

It was found Mrs Sylvia Mabena did not have a just excuse not to give evidence in the trial of three alleged members of the African National Congress, one of whom she brought up as a foster son.

She said she feared for her life and that of her own son.

In sentencing Mrs Mabena, Mr Justice LWH Ackermann said: “I wish to impose a sentence which in my judgment is the lightest sentence I can properly impose — giving full weight to the personal circumstances and the reason for refusing to testify but which will render a deterrent effect on others.”

Leave to appeal to the Appellate Division was granted.

Mrs Mabena, who was subpoenaed, took the oath and then refused to give evidence in the trial of Mr Joseph Boitumelo Leepile (26), Mr Justice Mafa Ngidi (31), and Mr Sipho Stanley Ngwenya (34).

TREASON CHARGES

The three men have pleaded not guilty charges of treason and charges under the Internal Security Act.

Mr Justice Ackermann said their personal circumstances compelled respect and compassion. The fear of reprisals was an important mitigating factor, he said.

A main object of sentence was to convince witnesses to testify and another factor was the deterrent effect the sentence should have on others, it was found. “A too light sentence may endanger the proper administration of justice.”

The judge made an order that, pending the hearing and determination of her appeal, Mrs Mabena be released on bail of R10 and that she report to the Moroko police station once a month.

Court chaos frees 336

331
20/10/85

By MARTIN NTSOENGOE
CHAOS broke out in the Pro-
tea Magistrate's Court when
336 students, held under state
of emergency regulations,
were due to appear this week.
When court orderlies
called out the names on the
roll, they realised none of the
accused were present. And
the names of those present
didn't appear on the roll.
By 3.15pm court officials
were still trying to sort out the
roll - and were nowhere near
finishing. Magistrate C. En-
gbrecht withdrew the
charges.

ANC man 'ran a cell in his cell'

(331)
C. Pres
20/10/85

By DANIEL DHLAMINI

ACTIVIST Lukas Makunyane came out of jail this week after five years behind bars for ANC activities - to face a similar charge for allegedly running an ANC cell in jail.

Mr. Makunyane, 30, from Seshego near Pietersburg - is alleged to have furthered the ANC's aims between August and October this year while a prisoner at Potchefstroom Prison.

He was allowed out on R500 bail this week, but has to appear in court again on October 25.

The former prisoner was defended by his sister, attorney Alvinah Thoko.

In terms of his bail, Mr Makunyane has to report to the police every day, is not allowed to "interfere" with State witnesses, and is barred from political gatherings.

★ Mr Makunyane was jailed in 1981 after being convicted under the Internal Security Act.

School arson: Pupils, janitor, teachers jailed

PORT ELIZABETH — A fire which caused damage estimated at about R2.8-million to a Graaff-Reinet high school had a sequel in the town last week when the Regional Court jailed two teachers, a janitor and five pupils for between three and six years.

The fire, on August 7, was caused when paraffin poured on the premises of Spandau High School was set alight.

The teachers, Patrick Silvano, 58, and Andrew Michael, 25, and the janitor, Gerald Jooste, 25, were found guilty of

complicity in the crime and sentenced to eight years imprisonment each with two years conditionally suspended.

Richard Smith, 18, Reginald Bester, 18, and a youth were found guilty of arson. Each was sentenced to seven years imprisonment with two years suspended.

Aubrey Murphey, 18, was found guilty of attempted arson while another youth was found guilty of complicity. They were each sentenced to six years imprisonment with three years suspended.

Mum jailed for refusing to testify

A Soweto woman who refused to testify in the high treason trial of three alleged African National Congress members was on Friday sentenced to 12 months imprisonment in the Rand Supreme Court.

However, Mrs Sylvia Mabena (38), of Mapetla, Soweto, was released on R10 bail on condition that she reported at Moroka Police Station once a month.

Mr Justice L W H Ackerman found that

Mrs Mabena did not have a just excuse not to give evidence in the trial of Mr Joseph Boitumele Leepile (26) of Soweto, Mr Mafa Justice Ngidi (31) of Alexandra and Mr Sipho Stanley Ngwenya (34) of Soweto.

She had told the court that by giving evidence in the trial, she would be placing her life, and that of her 15-year-old son, as well as her property in danger.

Dr Nthato Motlana, a Soweto civic leader, had also been called by the

defence counsel on behalf of Mrs Mabena. He told the court that compelling her to testify would be viewed by the black community as selling-out and collaborating with the system.

In sentencing Mrs Mabena, the judge said he had given full thought to her personal circumstances. However, he wished to impose a sentence which in his judgment was the lightest sentence he could impose.

He granted her leave

to appeal.

Mr Justice Ackerman said her personal circumstances compelled respect and compassion. The fear of reprisals was an important mitigating factor, he said.

The main object of the sentence was to convince witnesses to testify and another factor was the deterrent effect the sentence should have on others. "A too light sentence may endanger the proper administration of justice," he said.

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Soweto

21/10/85

Govt
defends
Moloise
hanging

Own Correspondent

JOHANNESBURG. — Following worldwide condemnation of the hanging last week of African National Congress guerilla Mr Benjamin Moloise, the Department of Justice has taken the unusual step of issuing a statement giving reasons for its refusal to grant clemency.

The execution evoked heated feelings worldwide as it was claimed by the ANC that members responsible for the killing of Pretoria security policeman Phillipus Selepe had since left South Africa.

According to the Department of Justice statement, Mr Moloise waited for the policeman to return to his Mamelodi home and then cold-bloodedly shot him from behind with an AK-47 rifle. More than 20 spent cartridges were found at the scene.

He subsequently confessed to the crime and showed investigators where he had hidden while waiting for the policeman to return.

However, during his trial, Mr Moloise claimed he had been forced to make the confession and denied he had murdered the policeman.

Murder

Mr Moloise was found guilty of murder without extenuating circumstances and sentenced to death in September 1983. Leave to appeal was refused by the trial court and later by the Chief Justice.

Mr Moloise obtained a stay of execution on August 20 this year and during subsequent proceedings an affidavit signed by him was submitted to the court. In this Mr Moloise admitted he had murdered the policeman.

"Moloise was convicted of the common law crime of murder for which the supreme penalty is imposed if no extenuating circumstances are found," said a spokesman for the Department of Justice.

I was forced to write to Law and Order Minister Police assaulted me, says Vaal accused

A 22-YEAR-OLD Sharpeville man claimed he was tortured and also made to write a letter to the Minister of Law and Order describing how a councillor was killed in the Vaal Triangle last year, the Pretoria Supreme Court heard yesterday.

Mr Reid Malebo Mokoena said this before Mr Acting Justice W J Human and two assessors. He was being cross-examined by Mr E Jordan, for the State.

His appearance follows the death of Mr Khuzwayo Jacob Dlamini, deputy mayor of Sharpeville, on September 3 last year. He was stoned and later set alight by a rampaging mob.

Mr Mokoena and seven others are alleged to have taken part in the attack on the councillor and his property. The dead man's house and car were also destroyed in the incident. Appearing with him are Mr Mojalefa Reginald Sefatsa (30), Mr Oupa Moses Diniso (30), Ms Theresa Ramashamula (24), Mr Motseki Christiaan Mokubung (23), Mr Motsiri Gideon Mokoena (21), Mr Duma Joshua Khumalo (26) and Mr Francis Don Mokgesi (28).

They face another charge of subversion and alternative charges of malicious damage to

By ALINAH DUBE

property and arson. The accused have pleaded not guilty to all the charges.

Mr Mokoena pointed to the court how several policemen assaulted and tortured him at the Vereeniging Police Station after his arrest on November 9 last year.

Mr Mokoena claims that a warrant officer Schoeman, Piet and a Mr Mathunzi, all policemen, hit him several times. His head was at some stage hit against that of Mr Sefatsa.

"It was a painful experience. My legs were swollen and I bled from the mouth as Mathunzi continued to hit me with his elbow," he said.

After he had spent a number of days in custody, he was made to write to the Minister of Law and Order, the accused said. The policemen brought him papers and said he should describe in them what his movements had been on September 3 last year.



THE MISS HELIO beauty contest held at the Orlando DOCC at the weekend attracted many lovely lasses from all corners of Soweto. Miss Marcia Saupe, Miss Julia Olifant and Miss Mapheto Kodisang were some of those who graced the occasion.

Pic: TAPS MOKOENA

Cabbie (331) admits SOWETO untruths - evidence

22/10/85
A SOWETO taxi driver told a Rand Supreme Court yesterday that many portions of his statement contained untruths — some had been told to him by the policeman who took down the statement.

Mr Nocodemus Mokone Mothapo also said he took the oath before making the statement because he had been in detention for a long period and wanted the matter to be disposed of as soon as possible.

He was testifying at a trial of three alleged African National Congress members, Mr Matthew Dime Kekane (27), Mr Albanos Matlhare Lesotho (26) and Mr Kingsley Stephen Sithole (26), all of Soweto.

They have pleaded not guilty before Mr Justice SC Kirk-Cohen to the main count of high treason. They have also denied four alternative counts under the Terrorism Act and two under the Internal Security Act.

Mr Mothapo told the court under cross-examination by Mr Morris Basslian, for the defence, that one night he had transported Mr Kekane and an unknown man to a place next to Orlando Stadium. The two had alighted and when they returned he heard them say that they were sure they had gone to the right place but did not know who may have removed the "thing" — either the police or other persons.

Among the allegations they are facing, the three men controlled a cache of arms which contained limpet mines, hand grenades, explosives and pamphlets, near Orlando Stadium. They are also alleged to have incited Mr Mothapo to undergo training to commit acts of sabotage, terrorism or violence.

(Proceeding).

UDF trialists plead not guilty to treason

Own Correspondent

MARITZBURG. — Sixteen United Democratic Front leaders pleaded not guilty to treason but acknowledged having spoken "strongly" against government policies and apartheid, at their trial here yesterday.

Mr Ismail Mahomed, SC, told Mr Justice Milne, Judge President of Natal, that his clients would not make a statement concerning their plea but would not deny having made speeches "strongly opposing" government policies.

They had also spoken against the present constitution which they considered to be "unwise and undesirable".

The 16 have been charged with treason with alternative charges of terrorism and furthering the aims of an unlaw-

ful organization, for their part in an alleged conspiracy to overthrow the government by violence between 1980-85.

In sharp contrast to previous hearings there were no groups of demonstrators outside the court's gate and there were some empty places in the public gallery.

'Active'

When Mrs Albertina Sisulu, one of the trialists and a co-president of the UDF, arrived to take her seat in the dock her co-accused sang "Happy Birthday Ma Sisulu". She is 67 years old.

In his opening address Mr Nic Gey van Pitius, SC, for the State, said the 16, through their speeches and the documents, had been "very active in mass mobilization of the people, underground structures, denigration

of institutions of authority and making the government the enemy".

The case against the 16, he said, was "not against people because of their attitude against apartheid, nor against the UDF as such as the organization was not party to the conspiracy".

The trial concerned members of the National Executive Committee of the UDF or other leaders who were "knowingly used" by the "revolutionary alliance" to overthrow the State by violence, he said.

Mr Gey van Pitius said the UDF had been formed in 1983, when in January that year Mr Oliver Tambo, leader of the ANC, called for South Africans to form a unit-

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To page 2



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2 Cape Times, Tuesday, October 22, 1985



From page 1

ed democratic front for national liberation.

In outlining the history of the African National Congress (formed in 1912, banned in 1960), the SA Communist Party (formed 1921, banned 1950) and the SA Congress of Trade Unions (formed 1955), he tried to show how the three "conspired together" to form the "revolutionary alliance".

Quoting from the "Diary of the ANC", Mr Gey van Pitius said the alliance saw "political struggles, trade union activity including strikes, school boycotts, struggles on the religious front, peasant revolt and military actions such as the Sasolburg explosions" as part of their strategy to overthrow the government.

He said the alliance also saw the building of support to violently overthrow the government through the popularization of "revolutionary symbols".

"In this connection

songs, dances, slogans and poems are very important. These songs are therefore not songs but are very important to inspire the people for a revolution and rally them together."

Of the SA Allied Workers Union, Mr Gey van Pitius said Saawu "was nothing less than the SA Congress of Trade Unions internally".

"Saawu has the same constitution, same slogan and the same logos as SACTU. The State will lead evidence to prove that Saawu officials had to report to Sactu regularly from whom they received funds and instruction."

Mr R Birch, Australia's ambassador, a representative from the Swedish legation and the Canadian embassy in Pretoria and Durban-based consulates from Britain, Germany, the US and Italy attended the trial as observers.

The trial continues today.

uesday, October 22, 1985

UDF 16 plead not guilty to treason

Accused 'used slogans to make Govt the enemy'

331 22/10/85

Pietermaritzburg Bureau

SIXTEEN United Democratic Front leaders pleaded not guilty to treason but acknowledged having spoken 'strongly' against Government policies and apartheid, at their trial here yesterday.

Mr Ismail Mahomed SC told Mr Justice Milne, Judge President of Natal, that his clients would not make a statement concerning their plea but would not deny having made speeches 'strongly opposing' Government policies.

He said his clients had also spoken against the country's present constitution which they considered to be 'unwise and undesirable'.

The 16 have been charged with treason, with alternative charges of terrorism and furthering the aims of an unlawful organisation, for their part in an alleged conspiracy to overthrow the

Government by violence between 1980 and 1985.

Police kept a low profile during yesterday's trial. In sharp contrast to previous hearings, there were no groups of demonstrators outside the court's gate and there were some empty places in the public gallery.

Birthday

When Mrs Albertina Sisulu, one of the accused and a co-president of the UDF, arrived to take her seat in the dock before the start of the trial, her co-accused sang: 'Happy Birthday, Ma Sisulu.' Mrs Sisulu is 67.

In his opening address, Mr Nic Gey van Pitus SC, for the State, said the accused, through their speeches and the documents, had been 'very active in mass mobilisation of the people, underground structures, denigration of institutions of authority and making the Government the enemy'.

He said the accused had also expressed the

'importance of songs and slogans chanted at meetings they attended' which had inspired people to action and this was part of the Revolutionary Alliance's strategy.

The case against the 16, Mr Gey van Pitus said, was 'not against people because of their attitude against apartheid, nor against the UDF as such as the organisation was not party to the conspiracy'.

Liberation

The trial concerned members of the National Executive Committee of the UDF or other leaders who were 'knowingly used' by the Revolutionary Alliance to overthrow the State by violence, he said.

Mr Gey van Pitus said the UDF had been formed in 1983. In January that year, Mr Oliver Tambo, leader of the ANC, had called for South Africans to form a united democratic front for national liberation.

Outlining the history of the African National Congress (formed in 1912 and banned in 1960), the SA Communist Party (formed in 1921 and banned in 1950) and the SA Congress of Trade Unions (formed in 1955), Mr Gey van Pitus showed how the three 'conspired together to form the Revolutionary Alliance'.

Symbols

Quoting from the 'Diary of the ANC', Mr Gey van Pitus said the alliance saw 'political struggles, trade-union activity including strikes, school boycotts, struggles on the religious front, peasant revolt and military actions such as the Sasolburg explosions' as part of its strategy to overthrow the Government.

He said the alliance also saw the building of support to violently overthrow the Government through the popularisation of 'revolutionary symbols'.

'In this connection songs, dances, slogans, poems are very important. These songs are therefore not songs but are very important to inspire the people for a revolution and rally them together.'

Attacks

Turning to the SA Allied Workers' Union, Mr Gey van Pitus said it 'was nothing less than the SA Congress of Trade Unions internally'.

'Saawu has the same constitution, same slogan and the same logos as Sactu. The State will lead evidence to prove that Saawu officials had to report to Sactu regularly.'

In order to overthrow the Government, the alliance had decided that attacks had to be made on all institutions of authority, which had to be brought into discredit.

'In this process the Government is marked as the enemy, the courts are attacked as racist courts, and institutions such as

the black local authorities and the SA Indian Council are denigrated and everything is done to prevent them functioning.'

'In the place of these bodies, something else had to be put, and civic associations were established with the idea that they had to take the place of the black local authorities,' Mr Gey van Pitus said.

Mr R Birch, Australia's Ambassador, a representative from the Swedish Legation and the Canadian Embassy in Pretoria and Durban-based consultants from Britain, Germany, the United States and Italy attended the trial as observers.

Mr James Dorsey III of the American Bar Association and Mr Geoffrey Bindman, a London-based lawyer from the International Commission of Jurists, also attended yesterday's hearing.

The trial continues in the College Road Supreme Court today.

ANC trialist talked of 'destroying' S A targets

Pietermaritzburg Bureau

331
A SELF-CONFESSED member of the military wing of the ANC and one of the accused in a terrorism trial involving 13 people from the Ingwavuma district of Zululand talked of destroying police and petrol stations in South Africa, the Supreme Court at Estcourt heard yesterday.

Testifying before Mr Justice Wilson at the trial in which her mother and brother are among the accused, Miss Zodwa Nyawo, who has been in detention since December last year, said that three other accused, Wilfred Mapumulo, Robert Dumisa and Norbert Buthelezi, had stayed with her family at their kraal in Ingwavuma in 1984.

The three men are among four accused who have refused to participate in the trial and who have admitted to being members of the military wing of the ANC.

Miss Nyawo told the Court that Mr Buthelezi had told her he had undergone ANC training in Tanzania and Zaire 'so that he could come back and destroy targets in this country'.

He said they destroyed places such as the police stations and petrol stations.

Miss Nyawo also said she accompanied Mr Buthelezi to a kraal in the Ubombo district with a metal trunk which Mr Buthelezi told her contained his 'dangerous weapons'.

Luger pistol

Miss Nyawo said Mr Buthelezi had also described 'their' camp in Ingwavuma which was situated between the Mpoli and Zibabayana mountains.

She told the Court that Mr Buthelezi had shown her a Luger pistol and an anti-personnel mine which he kept in a bag.

Under cross-examination Miss Nyawo said although she knew that she was assisting a member of the ANC she did not know she was doing wrong.

Her sister, Miss Thembi Nyawo, told the Court that accused Mr Buthelezi, Mr Dumisa, James Marupeng and Mr Mapumulo had stayed at their family kraal in Ingwavuma last year. They slept in the hut belonging to her brother Vusumuzi Zeblon Nyawo, an accused.

Her mother Nokohamba Nyawo, 64, another accused, had introduced the men and said they came from their uncle in Swaziland.

Miss Thembi Nyawo said Mr Buthelezi told her he was a member of Umkhonto we Sizwe (the military wing of the ANC) which was here to 'liberate the people'.

'He said he was going to fight the white people to liberate the blacks who were being oppressed.'

At one stage Mr Buthelezi told her they were in possession of 'very strong' weapons.

Miss Nyawo said she had seen weapons, which she identified as an RGD5 hand grenade, an AKS machine rifle and a Luger pistol, inside her brother's hut.

Miss Nyawo said she had seen Mr Buthelezi hand her mother a small object 'like a small gun' wrapped in paper, and her mother had taken it to the potato fields. Two days later Mr Buthelezi had asked for the item and her mother had returned it to him.

The hearing is continuing.

U S lawyer to sit 331 in at terrorism trials

MERCURY

23/10/85

Pietermaritzburg Bureau

A REPRESENTATIVE of the American Bar Association, Mr James E Dorsey, is expected to visit the terrorism trial in Estcourt today where 13 people face charges connected with the discovery of arms caches in caves in the Ingwavuma district last year.

Mr Dorsey, an American trial lawyer from Minnesota, is on a two-week visit to this country primarily to act as an observer at two treason trials — in the Transvaal and Pietermaritzburg — of members of the United Democratic Front.

His mission in South Africa is part of the

American Bar Association's International Human Rights Trial Observers Project, which aims at promoting fairness in judicial proceedings, and to encourage adherence to the 'rule of law throughout the world by sending prominent American lawyers and jurists overseas to observe political trials with significant human rights implications'.

Pleaded

Mr Dorsey's objectives, according to a letter of authorisation from the American Bar Association, are to make known to the Court, South African authorities, legal counsel, accused and the general public the 'interest and concern of the American legal profession and the American Bar Association in the tri-

als in question'; to communicate to the Court the importance of affording the accused fair trials consistent with recognised international legal norms; to obtain information about the conduct of the trials, the nature of the case against the accused and the laws under which they are tried and to collect background information.

Four of the 12 men and a woman appearing in the Estcourt Supreme Court have refused to participate in the proceedings after admitting that they were members of Umkhonto we Sizwe.

All the other accused have pleaded not guilty to charges of terrorism and alternative charges of contravening the Arms and Ammunitions Act.

The State alleges that the ANC established bases in the Ingwavuma district last year for recruiting and training the local population in the use of weapons.

The indictment alleges that police had to shoot their way into caves where the arms were stored and that a policeman was injured and two terrorists killed in the gunfire.

Spoken

Mr Justice Wilson was told at yesterday's hearing that a woman, testifying for the State at the trial in which her mother and brother are among the accused, had spent six months in solitary confinement after being detained for questioning in terms of Act 29 of the

Internal Security Act.

Under cross examination by defence counsel, Mr Pius Langa, Miss Thembi Nyawo (who is still in detention under Section 30 of the Internal Security Act) said she had not spoken to anyone other than members of the police for six months after her arrest in December last year.

In June this year she was moved to a prison at Newcastle where she was reunited with her sister, with whom she shared a cell.

Mr Justice Wilson commented that Miss Nyawo was held in terms of Section 29 until two days before the expiry of the six month period when she should have had an opportunity to come before a board of review.

Monday, October 23, 1985

'Documents show UDF is busy in ANC's struggle'

Pietermaritzburg Bureau

THE United Democratic Front or individuals in the organisation are busy in the ANC's 'revolutionary struggle' according to various ANC documents, Mr Issac de Vries, a political scientist from the Rand Afrikaans University, told the Supreme Court here yesterday.

Mr de Vries, who has given similar evidence in 19 other trials, said this while giving evidence for the State during the trial of 16 UDF leaders charged with treason.

Mr de Vries said military victory in the revolutionary struggle was seen by revolutionaries as depending on the masses being 'mobilised and politicised' so revolutionary violence could be seen as useful and acceptable.

This mass mobilisation and politicisation, he said, was also necessary as a prerequisite for 'non-revolutionary mass action' on the political front.

Mr de Vries said an organisation that advocated violence and went underground would find it easier to propagate its ideology and mobilise support through another organisation that appeared totally legal and could operate freely.

He said there were front organisations or individuals in the country who supported revolutionary organisations by being involved in mobilising the masses.

'The question who is doing this will depend on the specific facts but

from the literature of revolutionaries certain indications are given,' he said.

Mr de Vries said the UDF consisted of a number of organisations and 'in my opinion it would be impossible to validate the allegation that the UDF as an organisation is a front of the ANC'.

Intensify

However, Mr de Vries said, the publication Dawn (vol 7, 1983), a journal of Umkhonto we Sizwe (the military wing of the ANC) calls on 'genuine patriots and revolutionaries' to support the UDF.

An extract from the publication read: 'We are called upon to sharpen our spear and intensify the war against the racist regime. Only by doing so shall we create a favourable climate for the flourishing of the UDF and the overall seizure of power.'

'The ANC shall be able to guide the UDF only if we have our own underground structures within the UDF. These structures must be skilful, give the correct guide to the UDF and above all raise the tasks of the front.'

Mr de Vries also quoted

the ANC's official magazine Sechaba (March 1984), where Oliver Tambo, leader of the ANC, said the 'strength of the UDF and the pace at which it continues to grow' indicated the extent to which people were being mobilised into a 'revolutionary movement'.

Other organisations mentioned in ANC literature were the Transvaal Indian Congress and the Natal Indian Congress, who were part of the Congress Movement which was led by the ANC, he said.

Revolutions, such as the ANC was planning in South Africa, did not happen spontaneously but 'usually followed a pattern of activities', said Mr de Vries.

These activities, he said, involved setting up organisations to propagate its revolutionary ideology and formulating actions to discredit and destroy existing political systems and building support for a new political system.

Mr Ismail Mohamed, SC, leads the defence team and Mr Nic Gey van Pitius, SC, appears for the State.

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RAU political scientist tells treason trial:

Symbols and songs part of revolution strategy

331 B. Day
23/10/85

REVOLUTIONS did not take place spontaneously and revolutionaries usually adhered to a pattern of behaviour known as a revolutionary strategy, according to testimony at the treason trial in Maritzburg yesterday.

Rand Afrikaans University political science lecturer I D de Vries said the African National Congress was broadly conducting a revolutionary strategy.

The main elements were:

- The creation of an ideology and suitable organisations to help spread the ideology;
- Actions to discredit and destroy the existing political system, while building support for a new political system;
- The creation of a climate in

which people saw violence as morally acceptable and were, therefore, prepared to take part in it;

- The use of violence to stimulate the morale of frustrated and dissatisfied people.

De Vries said this strategy could lead to the creation of secret organisations which used violence.

Because such organisations acted secretly, it was difficult for them to undertake the tasks of ideological politicising, mobilisation and making the people accept violence.

Another organisation which could undertake these tasks without fear of prosecution, and which seemed to be acting legally, therefore, had to be created.

Thus revolutionary strategy included non-violent actions which

contributed to violence.

In building up support for the revolution through mobilisation, the ANC coupled its symbols with the liberation struggle.

The ANC claimed that the hymn "Nkosi Sikelela i-Afrika" was its people's song, the Freedom Charter was its policy document and "Amandla" its rallying call.

Because of these claims, there was the suspicion that, where these symbols were evident at a function, that function aimed to advance the ANC.

He said, however, that to be regarded as advancing the revolutionary cause of the ANC, symbols exclusive to the ANC had to be identified.

Yesterday was the second day De Vries had given evidence on the aims and methods of revolutionary movements in SA.

Before the court are: Mawalan Ramgobin (52), Chanderdo Sewpersahd (43), Moorogih Jayahajapathy Naidoo (53), Dr Essop Essack Jassat (52), Dundubela Aubrey Mokoena (52), Ephraim Curtis Nkondo (56), Archibald Joseph Gumede (70), Devadas Paul David (40), Albertina Sisulu (66), the Rev Frank Chikane (34), Cassim Saloojee (49), Professor Ismail Mohammed (54), and four members of the South African Allied Workers' Union, Sisa Njikelana (29), Sam Kikine (36), Isaac Ngcobo (36) and national chairman Thozamile Gqweta.

They have pleaded not guilty to treason and alternate charges of terrorism or furthering the aims of banned organisations.

The trial, which continues today, is being heard by the Judge-President, Mr Justice A J Milne, and two assessors. — Sapa

Omar, McMaster in court

On 1978-12-04 Staff Reporter 12/33/287

A CITY ADVOCATE. Mr. Abdullah Omar, and a University of the Western Cape Students' Representative Council member, Mr. Llewellyn McMaster, appeared in the Bellville Regional Court yesterday on charges related to an illegal gathering.

No charges were put to Mr. Omar, 50, of Athlone, and Mr. McMaster, 27, of the Theological Hostel at UWC.

The case was referred to the Attorney General and postponed until December 5.

Mr. A. N. Louw was on the Bench. Mr. B. R. Buys appeared for the State. Mr. S. Desai, instructed by E. Moosa and Associates, appeared for Mr. Omar and Mr. McMaster.

Caple Times 23/10/85



(331)

'Scholar of revolution' testifies on UDF

MARITZBURG. — It would be impossible to prove the UDF was a front for the banned African National Congress, an expert witness said during the treason trial of 16 UDF leaders yesterday.

Mr Isaac de Vries said revolutionaries themselves, however, suggest through the medium of their publications that the UDF or its leaders

were involved in the revolutionary struggle.

Mr De Vries is a political science lecturer at the Rand Afrikaans University and a "scholar of revolution".

He was giving evidence before the Judge President of Natal, Mr Justice A J Milne, and two assessors.

Mr De Vries referred the court to an article in

which the launch of the UDF was declared a milestone for the liberation struggle, as was the trade union movement.

He added that the present leader of the ANC, Mr Oliver Tambo, had called on the people to form a united democratic front and had suggested that the organization could only be guided by the ANC if it had its own underground structures

within the UDF.

At the start of the hearing, Mr De Vries said revolutions did not take place spontaneously, but followed a pattern of activities known as a revolutionary strategy. The trial continues today. —

Before the court are: Mr Mawalan Ramgobin, 52, Mr Chanderdo Sewpersad, 43, Mr Moorooegih Jayahajapathy Naidoo, 53, Dr Essop

Essack Jassat, 52, Dr Dundu-bela Aubrey Mokoena, 52, Mr Ephraim Curtis Nkondo, 56, Mr Archibald Joseph Paulmege, 70, Mr Devadas Paul Dayid, 40, Mrs Albertina Sisulu, 66, the Rev Frank Chikane, 34, Mr Cassim Saloojee, 49, Prof Ismail Mohammed, 54, and four members of the South African Allied Worker's Union, Mr Sisa Njikelani, 29, Mr Sam Kikine, 36, Mr Isaac Ngcobo, 36, and the national chairman, Mr Thozamile Gqweta.

Tale of a pistol

SOWETO
A STATE witness kept a Russian-made pistol for three years at his Soweto home before it was fetched from him by two alleged members of the African National Congress, a Rand Supreme Court judge heard yes-

terday. **331**
This evidence emerged during the cross-examination of Mr Vincent Zakhele Mahlangu of Orlando who was testifying in the High Treason trial of three Soweto men.

Mr Matthew Dime Kekane (27), Mr Albanos Matlhare Lesotho (26) and Mr Kingsley Stephen Sithole (26), have pleaded not guilty before Mr Justice F C Kirk-Cohen to Treason. They have also denied charges under the Terrorism Act and the Internal Security Act.

The witness, who had been called to give evidence regarding a Makarov pistol he once illegally possessed, has been warned that he may be excused from prosecution if he gives satisfactory testimony.

He told the court that during April/May last year, Mr Kekane and Mr Sithole came to fetch two firearms he had been given for safe-keeping in 1981. The two men, unknown to him, had showed him a note from a man named Comrade Bricks.

He said he had met Comrade Bricks in Swaziland in 1981 while on his way to Maputo to attend a funeral of his sister's son, Aubrey, who was killed during the South African Defence Force raid on the capital. **23/10/85**

Sharpeville unrest murder trial

ACCUSED ALLEGES TORTURE

SOWETAN 23/10/85

ONE of the accused in the Dlamini murder trial told a Pretoria Supreme Court judge yesterday how his eight-months pregnant wife was slapped by a policeman shortly before his arrest in Sharpeville last year.

Mr Mojalefa Reginald Sefatsa (30), said this in a "trial within a trial" of a case arising from last year's unrest in the Vaal Triangle.

He also told Mr Acting Justice W J Human and two assessors that he had a bandage wrapped around his face while being tortured and interrogated at the Sebokeng police station.

He claims electric torture was used on him.

Mr Sefatsa and seven residents of Sharpeville are being charged with the murder of Mr Khuzwayo Jacob Dlamini, a councillor in the township last year. The man was stoned and later burnt by rioters on September 3.

Other accused are Mr Reid Malebu Mokoena (32), Mr Oupa Moses Diniso (30), Ms Theresa Ramashamula (24), Mr Motseki Christiaan Mokubung (23), Mr Motsiri Gideon Mokone (21), Mr Duma Joshua Khumalo (26) and Mr Francis Don Mokhgetsi (28).

They face another charge of subversion and alternative charges of malicious damage to property and arson.

All of them have pleaded not guilty to all the charges. Mr Sefatsa said it was on the morning of November 9 last year when seven policemen arrived at his home saying they were looking for a firearm.

Among them there was Warrant Officer Schoeman and a Mr Mathunzi.

"I spent a while trying to explain to them that I had no knowledge of the

By
**ALINA
DUBE**

firearm they spoke about. But Mr Schoeman accused me of being a liar and demanded that I produce it immediately. He started assaulting me and was joined by Mr Mathunzi who hit me with fists," the accused said.

It was pointed to the court that he had suffered a fractured jaw as a result of the assault.

His pregnant wife, the court heard, was slapped in the face when she also told the police that she did not know anything about the firearm.

After he had been taken to the police station, he claimed that he was made to sit on a chair and a bandage was wrapped around his face to block his vision.

He added that he felt as if there were things which were poking his body. "I felt a lot of pain and did not know how to defend myself," he said.

At a later stage he managed to remove the wrap from his face and noticed that Mr Schoeman had in his hand an instrument that resembled a torch and had two "tongues".



Ex-gueilla testifies

appointed by the top leadership of the ANC and reported directly to the chief of staff.

He said between 30 and 150 trainees were at camps at a time, depending on the intake.

Security policeman Colonel

J H Buchner told the court there had been a sharp increase in terrorist activities in the last year, with 99 incidents between October 84 and September 85 as opposed to 55 during the same period the previous year.

The hearing continues.

tables, Occasional Chairs, Bow Front Cabinets, Bow Front

were disrupted.

ARGUS 23/10/85 357

Treason trial told of ANC support for UDF

Argus Correspondent

MARITZBURG. — Although it could not be proved that the United Democratic Front was a front for the African National Congress, the ANC had called on "genuine patriots and revolutionaries" to throw their weight behind the UDF, Mr I D de Vries, an expert in political science, told the treason trial.

He said yesterday that the ANC had called the birth of the UDF a milestone in the struggle against apartheid tyranny.

The ANC had called on people to "sharpen our spear and intensify the war against the racist regime".

Only by doing so could a favourable climate for the flourishing of the UDF and the overall advance to the seizure of power be created.

Mr de Vries said that support and acceptability for revolutionary organisations could be attained by turning their captured or killed men into martyrs.

The hero or martyr's sacrifice was then linked to a particular ideal or ideology.

It was then put about that if a hero of such calibre was prepared to give himself for it, it had to be a good cause.

The ANC and other revolutionary leaders exploited such people and other symbols.

The ANC had specific goals in the debate over the freeing of political prisoners.

The ANC aimed at the unconditional release of political prisoners.

Other bodies also called for their release even though they did not want to benefit the ANC.

The ANC could however benefit from such calls, especially when made for ANC members such as Nelson Mandela, who was a symbol for revolutionary change.

The ANC had itself shown the fallacy of the argument that Mandela's release would lead to the end of the armed struggle.

The ANC had pointed out that the liberal groups had misjudged the effect of the "release" campaign.

The Judge-President, Mr Justice Milne, and assessors are hearing the case in which 16 UDF affiliates are charged with treason, alternatively with terrorism and furthering the objects of an unlawful organisation.

All have pleaded not guilty to all the charges.

The trial continues today.

VW II
R3000

3rd witness refuses to testify

The Rand Supreme Court trial of three alleged members of the African National Congress was again delayed when a third State witness yesterday refused to testify.

Mozambican Miss Marilia Nhinabatsi, who told the court she was the wife of accused Mr Justice Mafa Ngidi, took the oath and refused to give evidence.

Mr Ngidi (31) has pleaded not guilty with Mr Joseph Boitumelo Leepile (26) and Mr Sipho Stanley Ngwenya (34) to a charge of treason and charges under the Internal Security Act.

INQUIRY STAR

An inquiry to establish whether Miss Nhinabatsi had a just reason for not giving evidence is being held.

Speaking through a translator, Miss Nhinabatsi said she was afraid she would be killed if she testified.

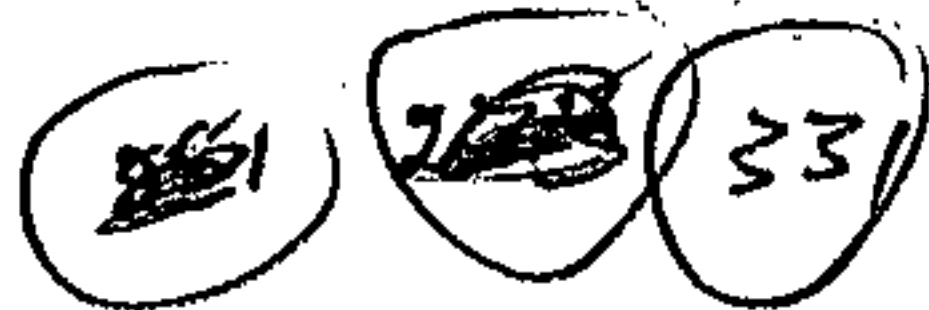
She told of two alleged incidents where people who had testified or helped the South African Police were shot or assaulted in Mozambique. The hearing continues.

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AKGWS 24/10/85

CITY

Constable killed at funeral: Three in court

Staff Reporter

POLICE Casspirs were parked near the Cape Town Magistrate's Court and people sang and shouted in court today when three men appeared in connection with the death of Constable James Farmer, stabbed and kicked to death during a funeral march in Salt River on September 12.

Three Casspirs were parked near the court building and traffic became congested before a crowd dispersed from the corner of Parade and Darling streets.

The men who appeared are Mr Albert Jakobus Alexander, 32, Mr Adenaan Bester, 23, and Mr Adenaan Batchelor, 30, of Salt River.

They were not asked to plead and no evidence was led. Bail of R2 000 each was extended and the hearing was postponed to November 28.

Shortly afterwards Mr Adenaan Batchelor appeared in Cape Town Regional Court in connection with a petrol-bomb incident. He pleaded not guilty and bail of R500 was granted.

The State alleges that on September 10 at the Diamond Bottle Store in Woodstock he compelled Mr Peter Stenberg to close the premises by threatening to throw a petrol bomb.

A crowd in the court's public gallery became unruly and the prosecutor ordered the court cleared.

About 30 people left the court building. A Casspir and a police truck arrived.

Police warned about 150 people to disperse from the corner of Parade and Caledon streets.

TIN DROPPED ON CASSPIR

At 10.10am an officer said the gathering was illegal and gave them five minutes to disperse. The crowd moved slowly down Parade Street towards Darling Street before breaking up outside the Technical College.

A few minutes earlier a paint tin filled with liquid — claimed by some to be urine — was dropped from the Wooltru building site, narrowly missing the open hatch of one of the Casspirs parked near the court.

The driver immediately closed the hatch to jeers and cheers from scores of building workers and bystanders.

Shooting whites will solve problems, terror witness told

24/10/85 Mercury
331

Pietermaritzburg
Bureau

AN INGWAVUMA man told the terrorism trial court at Estcourt yesterday how he was recruited and given military training in South Africa by some of the accused in the trial.

He said they told him they could rectify his problems 'by shooting the white people so that you can live well'.

Mr Mandlenkosi Mncwango was testifying before Mr Justice Wilson at the trial of 13 people, including a woman, facing charges of terrorism and alternative counts of contravening the Arms and Ammunitions Act.

The charges relate to caches of arms discovered

in caves in the Ingwavuma district.

Mr Mncwango said that in July or August last year he was approached by accused Vusumuzi Nyawo, who told him of people in the area in possession of what looked like guns, who wished to see him.

Signalled

He agreed to meet them and accompanied Mr Nyawo to a place near the Nhlalavane River where Mr Nyawo signalled by coughing and whistling.

In response, two men — whom he identified as accused Norbert Buthelezi and Robert Dumisa — appeared. They were armed with what Mr Mncwango identified as AK-47 rifles, AK-47 rifle magazines and

Luger pistols.

Mr Mncwango said Mr Dumisa questioned him and asked how the white people in the area were treating him. 'I answered that they are treating us well.'

Mr Mncwango said he had two complaints relating to his pay (because a white man who previously did the same work had earned more money) and the fact that their grazing lands had been taken away.

'He (Mr Dumisa) then said we could rectify it with this — showing me a gun — by shooting the white people so that you can live well.'

Grenades

Mr Mncwango told the Court he had been trained in the use of firearms, including rifles and a Luger pistol, as well as the use of hand grenades.

He had himself recruited three other people for military training, he said.

They included two accused, Mr Boy Mvubu and Mr Dumezweni Myeni.

Mr Mncwango said that during a training session, Mr Mvubu asked Mr Dumisa which government they were working for and Mr Dumisa replied they were members of Umkhonto we Sizwe (the ANC's military wing).

The hearing is continuing.

Mr Dennis Kuny, SC, assisted by Mr Pius Langa appeared for the defence. Mr Ross Stuart and Mr Christo van Schalkwyk for the State.

UDF treason trial continues

ANC symbols were 'used to inspire violence'

24/10/85 MERCURY

(331)

Pietermaritzburg Bureau

SOME of the UDF leaders facing charges of treason here allegedly participated in certain public meetings where the banned ANC's 'cultural symbols' were used to build up support for violent change in South Africa.

Mr Isaac de Vries, a political scientist at the Rand Afrikaans University, in his evidence for the State during the trial of 16 UDF leaders charged with treason, said that according to transcripts of various meetings, he had found 'revolutionary symbols' had been used at these gatherings.

Mr de Vries did not say which of the 16 accused had attended the meetings which he had analysed.

However, a video recording played to the Court showed Durban attorney Archie Gumede, 70, who is also co-president of the UDF, and co-accused Curtis Nkondo, 56, a former school principal, at a meeting of the Soweto Youth Congress at Dobsonville in July 1983.

In his 36-page report on the aims and methods of the self-acknowledged revolutionary movements in South Africa, Mr de Vries said part of the

ANC strategy to overthrow the Government by violence used symbols such as referring to ANC leaders as 'our leaders'.

The purpose of these symbols was to help 'mobilise and politicise' the masses into revolutionary action, he said.

Mr de Vries said that during a Soweto Day and Freedom Charter Day meeting, a South African Allied Workers' Union stevedore meeting and an Albert Luthuli Memorial meeting, all of which had been held in Durban in 1982, a number of ANC symbols had been used.

'Heroes'

These symbols involved the use of names in songs and speeches referring to Mr Oliver Tambo, leader of the ANC, Nelson Mandela, a leader of the ANC who is serving a life sentence for political crimes, and of former leaders of the ANC such as Chief Albert Luthuli and Walter Sisulu.

At some of these meetings there were also references to other ANC members who had died as 'heroes', and to the 'Spear of the Nation', said Mr de Vries.

At the Soweto Day meeting, one of the songs had the following lyrics: 'Rise, Shaka, rise/let's stab them/let's stab them/this is the spear/this is the spear of the nation.'

The prosecution has 54 transcripts of meetings, which were recorded by tape recorder or video recorders, involving the accused between April 1981 and February 1985.

The 16 have pleaded not guilty to all charges concerning an alleged conspiracy with the ANC-led Revolutionary Alliance to overthrow the South African Government by violence between 1980 and 1985.

The trial continues tomorrow.

Boesak

Won't quit SA

Cape Times

24/10/85

331

By ANDREW DONALDSON

THE President of the World Alliance of Reformed Churches, Dr Allan Boesak, told the Malmesbury Magistrate's Court yesterday he "welcomed" his forthcoming trial on subversion charges as it would give him a chance to "once again" give testament to his faith and the struggle towards justice in South Africa.

Dr Boesak was giving evidence in an application for a relaxation and amendments to the "tight" bail conditions imposed on him following his release from detention on September 20. The application is being opposed by the State.

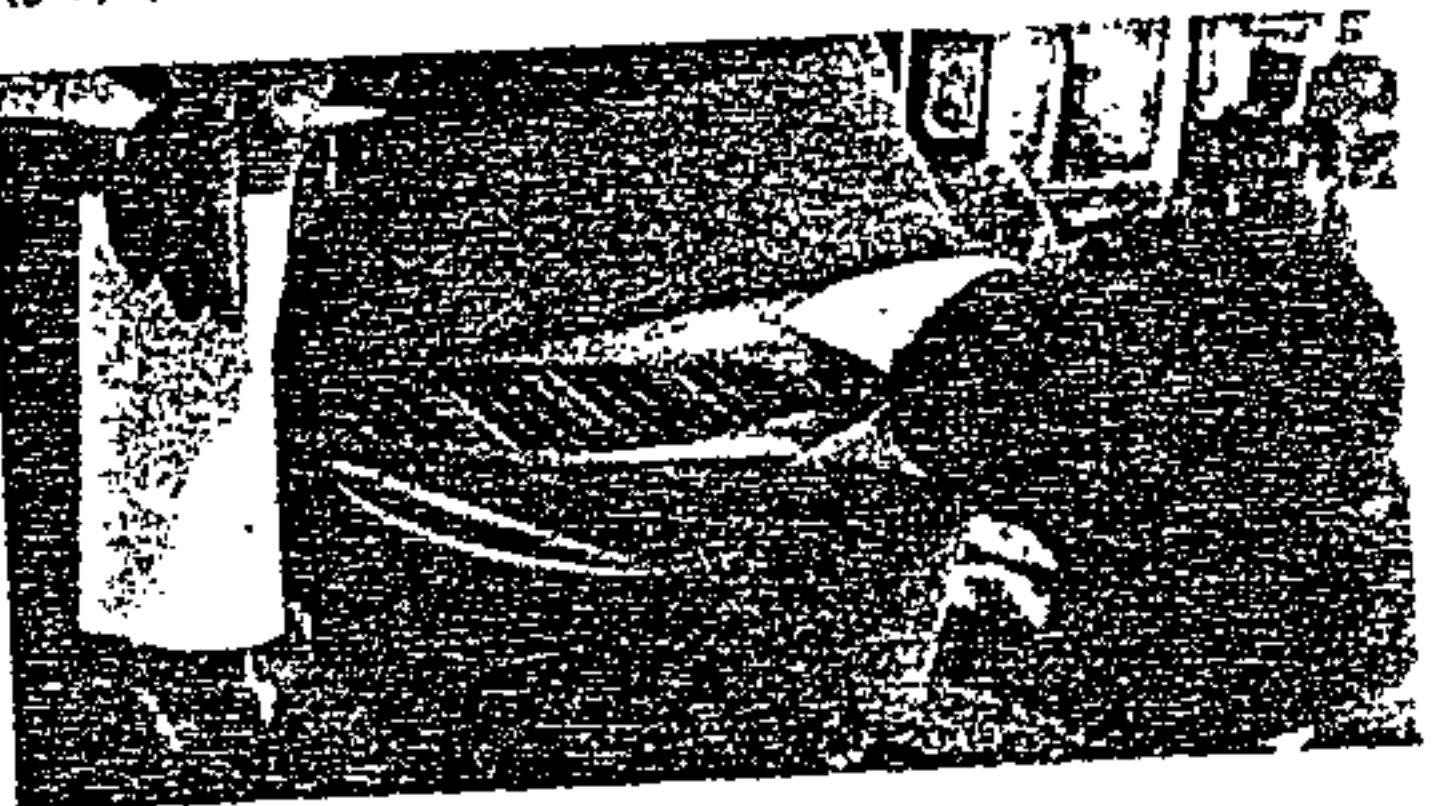
The bail conditions made it "impossible" for Dr Boesak to carry out his duties both inside and outside the country as a church leader and President of the WARC, the magistrate, Mr W A de Klerk, was told.

Among others, the conditions compelled Dr Boesak to report to the Bellville police station daily between 7am and 9pm, forbade him to leave the Bellville magisterial district without the permission of the police district commandant, forbade him to speak to more than 10 people except at bona fide church services at the Bellville South NG Sendingkerk and barred him from attending funerals without permission.

'Offences'

Dr Boesak yesterday gave his "solemn" undertaking that he would stand trial, would not interfere with State witnesses and would not "commit the alleged offences" for which he was due to stand trial.

These alleged offences are contained in another of his bail conditions, namely that Dr Boesak would not propagate or encourage a consumer boycott, school boycott, academic boycott or disinvestment campaign.



Dr Allan Boesak arrives at Malmesbury Magistrate's Court yesterday.

In his evidence, Dr Boesak said he had been offered numerous foreign church posts, but had turned them down in favour of remaining in South Africa.

"I have not the slightest intention whatsoever of leaving this country. I think it's very clear that my people would be deeply dissatisfied — my congregation would be devastated," he said. "There's too much at stake for the church and for the people involved in the struggle for justice in this country."

Commenting on the conditions, Dr Boesak said his R20 000 bail had been "excessive". The withdrawal of his passport had made it impossible for him to meet various overseas commitments as President of WARC and, in turn, the

church body had no intentions of filling his post in his absence until they elected their next president in 1989.

Under cross-examination by Mr H Klem SC, for the State, Dr Boesak denied that he had been a "catalyst" for violence in the Western Cape.

"No, that is not true. I believe in non-violent forms of resistance. Violence is caused by violence and by the devices of the State to maintain violence. People going on the rampage have not been seen at meetings where I had spoken."

Questioned on his commitment to "bringing about political change in the country", Dr Boesak said:

Changes

"It's not an additional calling. Every single area of life — the church, the arts, politics, sport, education, economics, recreation — should be brought under the Lordship of Jesus Christ. Christians should seek through those changes. That's a conviction we hold very, very deeply."

Mr Klem asked him: "Is it fair to say that if you have the situation in the Western Cape alone where in the last 2 1/2 months 60 people have died, damage has been estimated at R2 1/2 million, schools have been burned down, 800 people have been arrested, 1 950 cases of public violence have been reported?"

♦♦♦♦♦
To page 2



Cape Times 24/10/85
From page 1

ed to the police, that would have a case of extreme turmoil."

"Yes, sir," Dr Boesak replied. "That will be with us as long as apartheid exists and as long as people feel injustice has been done to them."

Adjourned

Dr Boesak's application was supported by evidence from Professor Nicholas Wolterstorff, professor of philosophy at Calvin College in Grand Rapids, Michigan, and from the *actuaries* of the NG Sendingkerk, the Rev Nikolaas Appolis.

The hearing was adjourned to Friday morning, following an application by the State to prepare further evidence and summon witnesses.

Mr H P Viljoen SC, assisted by Mr S Desai, and instructed by E Moosa and Associates, appeared for Dr Boesak. Mr Klem, a deputy attorney general of the Cape, was assisted by Mr P J A van der Merwe.

● Boesak car attacked, page 3

Witness has ^{W. M. M.}no ⁽³³¹⁾ reason' to refuse

A RAND Supreme Court judge yesterday found that a former detainee had no just excuse for refusing to give evidence against her foster son charged with treason, despite the fact that "she could be killed by radical members of her community."

Mr Justice L Ackerman found the possibility that Mrs Sylvia Mobena and her son could come to harm for giving evidence in a treason trial was not strong enough to constitute grounds for recusing herself.

Mobena, 38, of Soweto, was called as a State witness in the trial of Joseph Leepile, 26, Justice Ngide, 31, and Sipho Ngwenya, 34, all of whom pleaded not guilty to undergoing ANC military training in Angola and East Germany between 1976 and 1982. Leepile had been her foster son since 1969.

The judge added that Mobena's evidence that she made a statement under duress while in detention also did not constitute a just excuse.

He accepted evidence from Soweto civic leader Dr Nthato Motlana that her life could be in danger if she gave evidence because "State witnesses are regarded in the black community as sell-outs and collaborators who do not deserve to live."

She faces up to five years' imprisonment for her refusal to testify.

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Kenilworth
PHONE 71 5701



TOT HILLS

Cape Town
PHONE 21 2421

John Walls

Strand
PHONE
32303 (024)

MARTIN

Somerset West
PHONE
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MALMESBURY
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FOR
SLR

Trialists 'used ANC symbols'

Own Correspondent

MARITZBURG. — Some of the 16 UDF leaders charged in the Supreme Court here with treason participated in public meetings where the ANC's "cultural symbols" had allegedly been used to build up support for violent change in South Africa.

Mr Isaac de Vries, a political scientist at the Rand Afrikaans University, said that according to transcripts of various meetings, he had found "revolutionary symbols" had been used at these gatherings.

Mr de Vries did not say which of the trialists had attended the meetings he had analysed.

Report on 'revolutionary movements'

In his 36-page report on the "aims and methods of the self-acknowledged revolutionary movements in South Africa", he said part of the ANC strategy to overthrow the government by violence used symbols such as referring to ANC leaders "our leaders".

The purpose of these symbols was to help "mobilize and politicize" the masses into revolutionary action, he said.

The 16 have pleaded not guilty to all charges concerning an alleged conspiracy with the ANC to overthrow the government by violence.

The trial continues today.

The accused are Mr Mawalan Ramgobin, 52, Mr Chanderdo Sewpershad, 43, Mr Moorogih Jayahajapathy Naidoo, 53, Dr Essop Esswack Jassat, 52, Mr Dundubela Aubrey Mokoena, 52, Mr Ephraim Curtis Nkondo, 56, Mr Archibald Joseph Gumede, 70, Mr Devadas Paul David, 40, Mrs Albertina Sisulu, 66, Rev Frank Chikane, 34, Mr Cassim Saloojee, 49, Prof Ismail Mohammed, 54, and four members of the SA Allied Workers Union, Mr Sisa Njikalane, 29, Mr Sam Kikine, 36, Mr Isaac Ngcobo, 36 and the national chairman, Mr Thozamile Gqweta.

cks CADE

(28)

Cape Times 24/10/85

Treason trial shown film of Soweto Youth Congress

Argus Correspondent

MARITZBURG. — A film shot at a meeting of the Soweto Youth Congress in July 1983 was screened during the treason trial in the Supreme Court here today.

The film was started yesterday but most of the speeches could not be followed. The Judge-President, Mr Justice John Milne, said yesterday: "All that I can say is that they were speaking in English."

The film showed people clapping, singing and dancing. Periodically some people would get up, shout, wave their fists. A speaker said that the youth had to play a large part in their struggle.

The film showed a person, alleged by the State to be accused Mr Archie Gumede issuing a warning to the audience not to let their enthusiasm lead them into traps set by those who wish to see them in perpetual subjugation. He told the audience it was the duty of everyone to cultivate comrades.

"You take the message to them and you make them go. You don't cultivate them by beating them with sticks or stabbing them.

"All your comrades in the townships suffer under the yoke imposed on them by this minority regime. Let those who wish to be slaves remain where they are. Don't beat them out of their slavery.

"When you are free, they are going to be your slaves. (audience laughed).

"Do not facilitate the use of violence against yourselves, that is, do not expose yourself. The system likes you to expose yourself so that it can destroy you and cause others to be afraid of taking the action you are taking.

He said that the United Democratic Front was a tool to be used for defence. He said that it was a tool that had to be sharpened and it should not be thrown aside to become rusty and useless. He said that the UDF offered the audience a tool and it was not the tool of their oppressor.

He said that Nelson Mandela and Walter Sisulu were in Pollsmoor Prison because "you sent them there. Your suffering caused them to act in your interests. The enemy captured them".

"What are you doing about that? How long must they stay in the hands of your oppressors? Do you have no ability to think and find a way to rescue them? What are we going to do to rescue them?

"Is it not time now, they have been away from us since 1962, isn't that long enough? Almost a lifetime. Let us when we shout our slogans and sing our freedom songs bear in mind those people who are not able to shout those slogans and sing those freedom songs because of the circumstances in which they are for your sake."

(Proceeding)

Boesak 'welcomes trial opportunity'

Staff Reporter

THE application to a Malmesbury Magistrate's Court for the relaxation of Dr Allan Boesak's bail conditions has been postponed until tomorrow because State witnesses were not available to give evidence.

Attorneys yesterday asked the court to impose two new conditions instead of the 10 bail conditions imposed on Dr Boesak when he appeared in court to face charges under the Internal Security Act on September 20.

Proposed new conditions are that Dr Boesak will not interfere with State witnesses and that he will not act in any of the ways attributed to him on the charge sheet.

Dr Boesak was charged with four contraventions of the Internal Security Act — promoting the boycott of businesses, propagating the schools boycotts, promoting disinvestment and attending an illegal gathering.

Closed case

At yesterday's hearing the Rev Nicholas Appolis, a minister of the Ned Geref Sendingkerk and actuary of the Synod of the church, said it was impossible for Dr Boesak to fulfil his duties towards the church while he was confined to the Bellville magisterial district.

Defence counsel Mr H P Viljoen, SC, said he had decided not to lead further witnesses and closed Dr Boesak's case.

Mr H Klem, SC, appearing for the State, asked for the hearing to be postponed to 9am tomorrow because his witnesses were not at the court. He said he was not in a position to lead evidence because he had not known the details of the application before the hearing.

Mr Viljoen said he had told Mr Klem on Tuesday what Dr Boesak's requests would be.

The magistrate, Mr W A de Klerk, postponed the hearing till tomorrow.

Earlier in yesterday's hearing Dr Boesak said that he "welcomed the opportunity to stand trial" and that he would not interfere with State witnesses.

He further undertook not to make utterances which would be repetitions of the alleged offences in charges against him.

A United States professor of philosophy, Professor Nicholas Wolterstorff, who was involved with the American Christian Reform Church, testified that as president of the World Alliance of Reformed Churches Dr Boesak needed to travel throughout the world.

Mr Klem, a deputy Attorney-General, was assisted by Mr P J van der Merwe. Mr Viljoen was assisted by Mr S Desai and instructed by Mr E Moosa of E Moosa and Associates.

Accused had injuries court is told

ONE of the accused in the Dlamini trial had injuries on his body, a district surgeon told the Pretoria Supreme Court yesterday.

Dr Isaak van der Westhuizen of Bloemfontein said Mr Mojalela Reginald Sefatsa (30) had injuries on his arms, chest, cheek and on his left leg when he was examined at the Groenpunt Prison last year.

The accused's hearing was also diminished and his vision affected because of the injuries, he said.

The case is before Mr

Acting Justice W J Human and two assessors. It arises from the killing of a councillor in the Vaal Triangle last year. Mr Khuzwayo Jacob Dlamini died on September 3, last year, after a rampaging mob had stoned and later set him alight.

Accused of his death are eight residents of Sharpeville. They are Mr Reid Malebo Mokoena (22), Mr Oupa Moses Diniso (30), Ms

Theresa Ramashamula (24), Mr Motseki Christiaan Mokubung (23), Mr Motsiri Gideon Mokone (21), Mr Duma Joshua Khumalo (26) and Mr Francis Don Mokgethi (28).

The accused face another charge of subversion and alternative charges of malicious damage to property and arson. They have pleaded not guilty.

Dr van der Westhuizen told the court

that the injuries on Mr Sefatsa's different limbs could have been caused by a sharp object or a blunt object with a sharp edge. Electric shocks could have been sources of others, he said.

There was also evidence that Mr Mokoena had also complained of headaches and pains in the chest. According to the doctor, his problems were diagnosed as muscular pains as a result of either a bump on the neck or head, a twist of the neck or electric shocks giving muscular spasms.

"Pain in the chest and neck could have been consistent with electric shocks having been applied on his body," he said.

STUDENTS ACCUSE GOVERNMENT

THE Athlone Students' Action Committee has accused the Government of trying to stifle student activities by detaining students, teachers and community leaders.

The committee, which represents 15

Athlone schools, said in a statement that it "strongly condemns the detention of student leaders Mr Craig Josias and Mr Edward Cottle, community leader Mr Trevor Manuel, among many others, and teachers Mr Graeme Bloch and Ms Vanessa Brown.

Boesak finds bail rules 'like house arrest' major

Staff Reporters

DR Allan Boesak found his bail conditions as strict as house arrest and he had said he would find it difficult not to break them in the course of his church duties, a police officer told the Malmesbury Magistrate's Court today.

Major F Nel of the security police, investigating officer in Dr Boesak's case, was cross-examined during the application for relaxation of bail conditions.

In evidence-in-chief Major Nel said Dr Boesak, at a meeting on June 4 in Graaff-Reinet, had called on the audience of largely black youths to stay away from school the following day in sympathy with "our people" who had been shot.

He said that after the meeting the home of a policeman was stoned and shots were fired from the house which was later set alight. The policeman's body was found the next day and it appeared he had been stoned to death.

FIRST UNREST

On July 25 a meeting at UWC was addressed by Dr Boesak and others and on July 26 unrest flared up near UWC — the first unrest in the Western Cape.

Unrest between then and mid-October caused 60 deaths and damage of R2,76-million. Major Nel said 1,950 incidents of violence had been reported, involving petrol-bombs, hand-grenades, stoning, robbery, arson, intimidation and bomb threats.

On August 22 Dr Boesak spoke at a meeting in the Samaj Centre, Athlone, organised by Nusas, Cosas and Azaso, Major Nel said.



Dr Allan Boesak

The main topics discussed were the consumer boycott and the Freedom Charter. In the hall posters bearing the words "Beware P W Botha, Oliver Tambo is coming," were displayed.

"BE READY"

Dr Boesak told students they "must be ready for something that is coming — it will be well known," said Major Venter.

That morning no unrest was reported in the area but after the meeting ended at 1pm 11 incidents took place within a 4km radius of the Samaj Centre, including the looting of a delivery van, looting and burning of a bread van and stoning.

Major Nel said he thought Dr Boesak was prepared to break the law because Dr Boesak had told him he found many of the country's laws "abhorrent" (af-stootlik) and "unacceptable".

He said it was necessary for Dr Boesak to report daily to the Bellville police station to make sure he would stand trial and to enable police to see that he fulfilled his bail conditions.

(Turn to Page 3, col 5)

ARGUS 25/10/85 (111) 551

Boesak: Bail conditions 'like house arrest'

(Cont from Page 1)

He said if Dr Boesak travelled overseas it would be impossible to ascertain if he was keeping to his bail conditions.

After the first hearing on September 20 where bail conditions were set, Dr Boesak told Major Nel he would have to break his bail conditions in order to perform his duties.

Under cross-examination by Mr H Viljoen, SC, Major Nel said Dr Boesak told him the bail conditions were as strict as house arrest.

Mr Viljoen said the context in which Dr Boesak said this was that if a member of his church needed him urgently at

night he would not first obtain permission to leave his home.

Mr Viljoen said Major Nel advised Dr Boesak not to break his bail conditions but rather to apply for an amendment. Major Nel confirmed this.

"SKIP BAIL"

"It is one thing for Dr Boesak to say he cannot keep the bail conditions but it is another thing for him to skip bail," Mr Viljoen said.

Mr Viljoen asked Major Nel if it was true that the "vast majority of non-whites in South Africa find many of the country's laws abhorrent".

"Yes, it may be so," answered Major Nel.

"Then a member of that community who finds the laws abhorrent is not necessarily a dishonest man," said Mr Viljoen.

Major Nel agreed.

Mr Viljoen asked if it was logical that because Dr Boesak did not agree with many of the laws and had said he would find it difficult to do his duties without breaking his bail conditions he would not stand trial.

Major Nel's answer was that he thought that if Dr Boesak's "duties called him, he would not mind not being at court".

(Proceeding)

Cape Times
25/10/85 (33)

Gumede in tears at UDF trial

MARITZBURG — Tears rolled down the cheeks of treason accused Archie Gumede, 70, in the Supreme Court here yesterday when the State screened a video recording of what was allegedly his speech at a Soweto Youth Congress meeting in July 1983.

He allegedly called on the audience not to bow to "the god apartheid", but to cultivate comrades from the people in the townships who were suffering under the yoke of "the minority regime".

The video was used as evidence against 16 United Democratic Front leaders charged with treason and two alternatives of terrorism and furthering the aims of an unlawful organization.

Speaking of Mr Nelson Mandela and Walter Sisulu, Mr Gumede said: "They are in prison because you sent them there."

"It is because your suffering caused them to act in your interest."

Shortly before the court adjourned for the day, Mr Justice A J Milne said one of the assessors noticed the Xhosa word "amajoni" was incorrectly translated in one of the freedom songs on the transcript of the video.

Instead of reading "He (Mr Oliver Tambo) is teaching soldiers" the sentence was transcribed as "He is teaching terrorists".

After the three-hour video was screened, the State again called political scientist Mr Isaak de Vries.

The trial continues.

TV

1, 2 & 4

tonight

3.57: Programme Schedule

4.00: News

4.05: The Villagers: Episode 8.

4.30: The Yearling: Rain, Rain, Stay Away.

5.00: Hand in Hand

5.04: Three for the Road: The Cave.

5.55: Prime Time: Includes an interview with New Zealand actor Darryl Forbes Dawson, who is appearing in "Equus"; a studio performance of Andy Capp by British actor Dave Soons; a photographic exhibition; an interview in London with Anthony Summers, author of a new book on Marilyn Monroe; and the National Model Yacht Championships held in Cape Town.

6.50: Weather

7.00: News

7.30: Who's the Boss?: A Rash Decision.

8.00: Programrooster

8.05: Dirk Hoffman: Koedoe Kom Terug.

8.40: Voorskouflitse

8.50: Die Blou Ridder: Die Lekkergoedman.

9.35: Johnny Gamaai: Johnny Ingwersen, a shrimp fisherman, has inherited his father's trawler, but the boat is getting old and he decides to buy a new one. His quarrelsome old helper believes that Johnny's father's soul is still on the trawler and in an effort to stop Johnny buying another boat he sabotages Johnny's catch. This eventually results in Johnny losing his boat.

11.05: Nuus

11.25: Oordenking

11.37: Kom Kuier Saam Met ...

11.55: Stasie Sluit

TV2

5.46: Prologue

5.47: Ezabasha/Olutsha

6.00: News

6.07: Ezamabandla: Church news.

6.15: Khanyisa Mama/Mame

6.44: U-Korg: The fire forces the Korg family to move to the other side of the river where there is food.

7.13: The New Odd Couple

7.36: Ziyaduma: International pop hits.

8.03: Intambo: Spokes, a member of the Spider Gang, gives false evidence against Sydney Z.

8.27: Epilogue

8.30: News

8.58: Ezisematheni/Undaba/Mlonyeni

9.10: Sport

TV4

9.33: Preview

9.41: Yellowstone Kelly: The Sioux wage savage warfare to defend their traditional hunting grounds.

11.22: Verslag: Rapport Fietstoer.

11.32: Knots Landing: Breach of Faith.

12.18: Station Closes

TV2 review

THE third era of the big band is not given much of a place in the present music scene dominated by electronics and modern technology.

You had to listen to the dynamism of the Light House Band featured in last night's IziNcwethi Zapithi to believe the transformation

been intact for the past 52 years.

Wasn't it a great pleasure to know that the days of swing and band pop are not yet over? It was also fascinating to learn that the band leader Neville Row took over from his late father Marcus Row in 1955.

If there was a new...

331

Third ANC trial witness refuses to testify

A THIRD state witness subpoenaed to give evidence in an ANC treason trial in the Rand Supreme Court refused to testify this week.

Marilia Nhlabaise, a Mozambican citizen, said she feared reprisals from the ANC if she testified in the trial of Joseph Leepile, Justice Ngide and Sipho Ngwenya.

She told the court Ngide was her husband and she was living with his

family.

Justice L Ackermann is expected to give judgement next week.

Last week Sylvia Mabena, Leepile's

foster mother, was sentenced to 12 months' jail for refusing to testify. The possibility that she might be killed by members of the Soweto community who regarded state witnesses as "sell-outs and collaborators" was not sufficient grounds to excuse her from

WEEKLY MAIL REPORTER

giving evidence, the judge found.

Earlier this week Duma Nkosi, Johannesburg branch vice chairman of the Commercial Catering and Allied Workers Union, was sentenced to nine months' jail after Judge Ackermann found that his fear for his life and the "real possibility" he might come to harm did not constitute a "just

excuse" for refusing to testify. He had to prove there was a probability he would be killed, the judge said.

Nkosi, chief pricing officer at Macro Wholesalers, had spent more than six months in Security Police detention last year as a result of the case.

Both Mabena and Nkosi were granted leave to appeal against their convictions and sentences and were

released on R10 bail. The judge said another court might find differently and the nature of the legal issues involved were of vital importance.

Leepile, 26, Ngide, 31, and Ngwenya, 34, pleaded not guilty to undergoing ANC military training in Angola and East Germany.

The trial is now being held in camera because a fourth state witness is testifying.

With youths not to trigger off violence

Video recording used as evidence in treason trial

Pietermaritzburg Bureau

331 25/10/85 MERCURY

A VIDEO of treason trialist Archie Gumede, co-president of the UDF, in which he made an impassioned plea to the youths of Soweto not to trigger off violence in their struggle against apartheid, was shown to the Supreme Court here yesterday.

The edited video recording was part of the State's evidence against Mr Gumede, 70, and 15 other UDF leaders charged with treason for their part in an alleged conspiracy with the ANC to overthrow the Government by violence.

According to Mr Nic Gey van Pittius SC, for the State, this is the first time that video recordings had been used as evidence in a political trial.

Earlier Mr Ismail Mohamed SC said only one of the 21 video recordings to be used in evidence against his clients was not an edited commercial version. The edited versions did not 'accurately reflect the full meetings', he said.

Transcripts

Mr Justice Milne, Judge President of Natal, told the State that in its transcripts of the inauguration of the Soweto Youth Congress at Dobsonville, in July 1983, where Mr Gumede spoke, one of the words in a song using the Xhosa word 'Amajoni' had been mistranslated into 'terrorist' when it should have been 'soldier'.

He also said the transcript should be supplemented as parts of the meetings which were audible had been described in the transcript as 'inaudible'.

In the three-hour long video of the inauguration

Mr Gumede, who was one of 16 speakers, said the youths should not try to build up support 'by beating people with sticks or by stabbing them with knives'.

'You must cultivate them by talking to them and enlightening them.

'See to it that you use your brains and don't use your blood. Do not facilitate the use of violence against yourselves, that is, do not expose yourself to the system.'

Other speakers at the meeting were two UDF co-national treasurers Mr Mewa Ramgobin, 52, a Durban insurance broker and Mr Cassim Saloojee, 49, director of the Johannesburg Indian Child Welfare Society.

Former school principal, Mr Curtis Nkondo, 56, a national executive member of the UDF, also attended the meeting as an invited guest.

Mr Isaac de Vries, a political scientist at the Rand Afrikaans University, giving evidence for the State, said the words 'blood' and 'violence', used by Mr Gumede, were 'revolutionary' symbols.

At the request of Mr Justice Milne, Mr de Vries said the words 'blood and violence' were incriminating because they were terms he had frequently come across in his study of revolutions.

Mr de Vries agreed

with Mr Justice Milne that the actions of Mr Nkondo who had raised his fist with an 'outstretched thumb' during the meeting where Mr Gumede spoke, was similar to actions also 'extensively used by football players'.

Mr Gumede, during his video recorded speech, called for the scrapping of the Group Areas Act and the pass laws and said 'Mandela and Sisulu' were in prison at the moment because 'your suffering caused them to act in your interest'.

Mr Gumede said: 'Oliver Tambo (leader of the ANC), you sing about him. Oh my, we wish you would do more than sing about him.'

Laughter

The audience responded with laughter and clapping.

He called on youths to 'galvanise into action the sleeping martyrs' so that the Government would 'bring back our leaders and call for a national convention where our leaders are going to speak to us'.

Earlier Mr de Vries had told the Court that in his studies he had established that one of the ANC tactics was the use of certain cultural symbols to mobilise the populace for radical change in South Africa.

The trial continues today.

Cape Times 25/10/65



★ C

Killing: 3 in court

Staff Reporter

THE Cape Town Magistrate's Court rang with the sound of Muslim prayer yesterday as a large crowd waited for the appearance of three men who are to face charges of murder, alternatively culpable homicide, following the death of a policeman at a Salt River funeral.

Constable James Farmer was killed while monitoring the funeral of an unrest victim on September 11.

The three men — Mr Albert Alexander, 32, Mr Adenaan Bester, 23, and Mr Adenaan Batchelor, 30, were not asked to plead and no charges were put to them.

The three men are on bail of R2 000 each. The case was postponed to November 28.

Mr R A Duraan was on the Bench. Mr L S Moffitt appeared for the State. Mr Y Ebrahim appeared for the three men.



Surrounded by part of a large crowd which gathered at the Magistrate's Court yesterday are three men who appeared in connection with the killing of a policeman at a Salt River funeral. The men, from left, are Mr Adenaan Bester (with glasses), Mr Albert Alexander and Mr Adenaan Batchelor.

Picture: Ivor Markman

Charges against students quashed

Cape Times 25/10/8

Court Reporter

CHARGES against 27 University of Cape Town and University of the Western Cape students charged under the Internal Security Act with attending an illegal gathering were yesterday quashed by a Wynberg magistrate.

The magistrate, Mr A L Laubscher, upheld the objection of Mr J Whitehead, for the 27, who said that the order by the Minister of Law and Order prohibiting certain meetings was "vague, uncertain and open to speculation".

Mr Laubscher said that since there was a more specific government notice contained in the government gazette of September 27, the charges would be quashed.

The students were charged with attending an illegal gathering at Rondebosch on August 8 alternatively obstructing the traffic. The alternative charge was withdrawn.

The 27 are Miss Christine Burger, 25, Miss Michelle Daniels, 19, Mr Nic Borain, Mr Max Ozinsky, Mr Glen

Goosen, Miss Barbara Friedman, 22, Miss Tracy Clayton, 24, Miss Paula Hawthorn, 23, Mr Eckhard Schlotfeldt, Miss Vivienne Mcmenamin, Miss Jocelyn Benatar, 20, Miss Kim van Deventer, 21, Miss Carla Sutherland, 21, Miss Jane van der Riet, 18, Miss Carin Jennings, 19, Miss Clare Larkin, 20, Miss Victoria Sealy, 19, Miss Alison Bullen, 19, Mr Steven Powell, 20, Mr Matthew Smith, 21, Mr Isaac Grootboom, 23, Mr James Kibby, 24, Mr Robert Buchart, 23, Mr Anwar Peck, 19, Mr Donovan Roussouw, 18, Mr Ismail Khalife, 22, and a 17-year old girl.

Mrs M Wilson appeared for the State. Mr Whitehead was instructed by Ms Andy Durbach of Bernhard, Vukic and Potash.

the facts

TO correct material errors of fact, write to the Editor, Cape Times, PO Box 11, Cape Town, 8000, or dictate the complaint briefly to the News Editor's secretary, telephone 24 2233 ext 236 between 9.15 am and 4.30 pm (Mondays to Fridays).

(331)
B. Day
25/10/85
**Treason trial
sees film of
1983 congress**

A FILM shot at a meeting of the Soweto Youth Congress in July 1983 was screened during the treason trial in the Maritzburg Supreme Court yesterday.

The film, which was started on Wednesday, showed a person, alleged by the State to be accused Archie Gumede, issuing a warning to the audience not to let their enthusiasm lead them into traps set by those who wish to see them in perpetual subjugation.

He allegedly said: "All your comrades in the townships suffer under the yoke imposed on them by this minority regime."

"Do not facilitate the use of violence against yourselves, that is, do not expose yourself. The system likes you to expose yourself so that it can destroy you and cause others to be afraid of taking the action you are taking."

He allegedly said Nelson Mandela and Walter Sisulu were in Pollsmoor Prison because "your suffering caused them to act in your interests. The enemy captured them."

"What are you doing about that?"

"I appeal to you to see whether you cannot find a way in which you can galvanise into action the sleeping martyrs of Soweto and surrounding areas."

"We wish you could do more than sing about Oliver Tambo."

There were 16 speeches, including some allegedly by accused Mewa Ramgobin and Cassim Saloojee.

Before the court are 16 United Democratic Front leaders who have pleaded not guilty to treason and alternate charges of terrorism or furthering the aims of banned organisations. — Sapa.

The trial continues today.

Political comment in this issue by Nigel Bruce. Newsbills by Tony Koenderman. Headlines and sub-editing by Michael Allwright. All of 171 Main Street, Johannesburg.

Man denies intimidation

Staff Reporter 23

A SALT RIVER man yesterday pleaded not guilty to a charge of intimidation after he allegedly threatened a shopkeeper with a petrol bomb on September 20 this year.

Appearing in the Cape Town Regional Court before Mr J S C van Graan was Mr Adenaan Batchelor, 30, of Salt River.

He is alleged to have tried to compel or induce Mr Peter Stenberg of Diamond Bottle Store in Woodstock to close his premises by threatening him with a petrol bomb.

His R500 bail was extended and the case was postponed to February 2 next year.

Mr P Steyn appeared for the State. Mr Y Ebrahim appeared for Mr Batchelor.

Man guilty of treason

A 27-year-old man was yesterday convicted of high treason in the Rand Supreme Court, bringing to an end a two-month trial.

Matthews Dime Kekane (27) changed his plea from not guilty and admitted he underwent military training abroad under the auspices of the African National Congress.

He admitted that on June 3 1982 he placed explosives at the base of an overhead powerline along the railway line between Phefeni and Dube stations.

Sentence is expected to be passed today.

Boesak waits

Bail conditions a 'restriction order'

Weekend Argus Reporter

JUDGMENT was reserved in Dr Allan Boesak's application for the relaxation of bail conditions after legal argument was concluded in the Malmesbury Magistrate's Court yesterday.

After concessions by the State some of the 10 conditions were relaxed pending a decision on November 4.

Dr Boesak will now have to report to the Bellville police twice a week instead of daily and will be allowed out of his house between 9pm and 6am.

Still in force

The eight other conditions are still in force.

Dr Boesak has asked that only two conditions be applied to enable him to fulfil his role as minister and president of the World Alliance of Reformed Churches.

They are that:

- He does not interfere with State witnesses.

- He does not act in any of the ways attributed to him in the four Internal Security Act charges he is facing.

Summing up his case Mr H Viljoen, SC, for Dr Boesak, said there was "not a jot" of evidence to suggest that Dr Boesak would avoid his trial.

"The community would see it as a stab in the back if he left them to continue the struggle alone," he said.

Dr Boesak's bail conditions read like a "restriction order" issued by the Minister in terms of Section 19 of the Internal Security Act.

"The courts cannot be used as a vehicle for ministerial action, which is clearly the intention here."

In reply to argument by Mr H Klem, SC, he said there was "no question of the State being threatened by this man's freedom. The opposite is the case".

"Exception"

Mr Klem, a Deputy Attorney-General of the Cape, said he had seen fit to relax certain of the conditions.

However, as the present charges were "related to the security of the State, it would have been cogent to argue that bail be refused".

He said that Dr Boesak should be treated as an "exception" to the rule.

1 Reason trial to end soon

A two-month-long Rand Supreme Court treason trial is drawing to a close. **STAR**

This week a 27-year-old man was convicted of treason and another of being in unlawful possession of a Russian pistol. The prosecution of a third man was halted.

Matthews Dime Kekane (27) changed his plea from not guilty and admitted undergoing military training abroad under the auspices of the African National Congress. **26/10/85**

On June 3, 1982 he placed explosives at the base of an overhead powerline along the railway line between Phefeni and Dube Stations. Kekane admitted.

Kekane was charged with Albanos Mathlare Lesotho (26), of Zone 4, Diepkloof, and Mr Kingsley Stephen Sithole (26), of treason and charges under the Internal Security and Terrorism Acts.

Lesotho admitted unlawfully possessing a Makarov pistol and five rounds of ammunition.

His plea was accepted.

Charges against Mr Sithole were withdrawn.

Sentence is expected to be passed on Monday.

Mr Justice F C Kirk-Cohen was on the Bench. Mr J Swanepoel, assisted by Mr J du Toit, appeared for the State. Mr M Basslian, assisted by Mr G Barlow, appeared for Kekane, Lesotho and Mr Sithole. **Don**

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Boesak bail conditions relaxed

Supreme Court Reporter
THE bail conditions imposed on Dr Allan Boesak were relaxed slightly yesterday pending a final decision by a Malmesbury magistrate on an application by Dr Boesak for the scrapping of all but two of the conditions.

The magistrate, Mr W A de Klerk, said he would give judgment on November 4.

Dr Boesak has asked for two conditions only: That he agree not to interfere with State witnesses, and that he does not commit the alleged offences for which he is to stand trial under the Internal Security Act.

A deputy Attorney-General of the Cape, Mr H Klem, SC, agreed at the hearing yesterday to a relaxation allowing Dr Boesak to:

- Report to the Bellville Police Station twice a week instead of daily.

- Visit the Peninsula Technikon and the Bellville Training College in addition to the University of the Western Cape, which was previously the only educational institution he could enter.

A restriction on his leaving home between 9pm and 6am was also removed.

Earlier, Major Frederick Nel, a Pretoria security policeman who is the investigating officer in the case of subversion facing Dr Boesak, said he could not contest a submission that Dr Boesak was out of the country on June 25, the day he allegedly addressed a meeting at UWC.

Major Nel had said in evidence that the unrest in the Western Cape had started "in earnest" on July 26, the day after he claimed Dr Boesak had addressed the meeting.

After the submission by Mr H P Viljoen, SC, for Dr Boesak, Major Nel said his information had

come from others. He could not contest that Dr Boesak had not been at the meeting.

Major Nel had said Dr Boesak encouraged Graaff-Reinet youths not to attend school on June 5, "according to my source". Mr Viljoen said those youths had already been boycotting classes for a year.

'Obnoxious'

Mr Viljoen asked Major Nel whether he doubted Dr Boesak's undertaking that he would obey his bail conditions. The major replied that Dr Boesak's opinion of some of this country's laws was clear.

Mr Viljoen submitted that the overwhelming majority of people who were not white in this country would also find many of this country's laws obnoxious.

"That may be so," Major Nel replied.

He agreed with Mr Viljoen that a member of the non-white community could find many of the laws offensive without being a dishonourable person.

Mr Viljoen was assisted by Mr Seraj Desai and instructed by E Moosa and Associates. Mr Klem was assisted by Mr P J A van der Merwe.

Statue beheaded

PAARL — The statue in Wellington of the Rev Andrew Murray, a clergyman from Scotland who became a personality in the NGK ministry in the nineteenth century, has had its head chopped off.

The head was found lying on the ground. The latest vandalism came three months after a previous act of vandalism on July 15 when the entire statue was painted blue.

To repair the present damage will cost R2 000.

— Sapa

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INSIDE

Treason trial sees video of political rally

MARITZBURG. — The State alleged in provisional evidence at the trial of 16 United Democratic Front leaders in the Supreme Court here last week that four AK-47 rifles were brandished at a meeting in Soweto in July, 1984.

The State also alleged that treason trialist Mrs Albertina Sisulu addressed the four-day Azanian Students' Organization 1984 annual congress and said: "The land has been ruled by greedy vultures," and "Without women in any struggle there is no progress."

Judge comments on singing

An edited video recording of the meeting was screened in court on Friday, and the alleged rifles were visible while people sang "Do not mourn, mobilize and fight on," in Zulu.

The allegations appear in a transcript of the video, which has been provisionally handed in by the State as evidence against Mrs Sisulu and 15 other UDF and trade union leaders charged with treason.

All the accused have pleaded not guilty to the treason charge and two alternative charges of terrorism and of furthering the aims of an unlawful organization.

The video is one of three videos of meetings screened in the court so far.

At the start of Friday's hearing, the Judge President of Natal, Mr Justice A J Milne, said the court's impression of the first meeting screened was that "it resembled, in all important respects, the kind of political meeting we are accustomed to in the Republic".

Mr Justice Milne said what was different about it was the singing, and at one stage, a high-pitched scream.

He said Mr Archie Gumede's speech was emotive, and the mood of the speakers varied.

Deaths of five students

They were sometimes quiet, sometimes enthusiastic and at times jolly, and poems were recited in "a highly emotive manner".

The leader of the defence team, Mr Ismail Mohamed, SC, said the defence would submit that singing before a meeting was "simply a way in which the audience keeps itself occupied before the meeting starts".

Another video screened on Friday showed the Rev Frank Chikane allegedly addressing a protest meeting of the UDF and Azaso in November 1983.

During the meeting letters of strong opposition to the deaths of five students of the University of Zululand, allegedly at the hands of Inkatha members, were reputedly read to the audience.

Mr Chikane allegedly told the gathering: "Apartheid is such that it is meant to create conflict so that, when there is conflict, you can justify separation."

He allegedly continued: "And today we know where Inkatha stands and therefore, because they are on the side of the oppressor, they will participate in the killing of people to produce the support they want."

"People talk about the theology of reconciliation. I warn those who simply use the Gospel of Jesus Christ that reconciliation does not mean reconciling sin with justice."

"There cannot be reconciliation in South Africa as long as there is apartheid."

The trial continues today. — Sapa

Treason trialist gets 14 years

By NKOPANE
MAKOBANE

A 27-year-old Soweto man convicted of high treason was yesterday sentenced to 14 years jail in the Rand Supreme Court.

Mr Justice F C Kirk-Cohen convicted Matthews Dime Kekane last Thursday after he had changed his plea of not guilty to guilty.

Kekane admitted that he underwent military training abroad under the auspices of the African National Congress.

He also admitted that on June 3, 1982, he placed explosives at the base of an overhead powerline along the railway line between Phenfeni and Dube stations.

His co-accused, Albanos Matlhare Lesotho (26), an actor with the Federated Union of Black Artists (Fuba), who had admitted unlawful possession of a Makharov pistol and five rounds of ammunition, was jailed for 12 months, but the sentence was suspended for five years.

The two men had initially pleaded not guilty to the main count of treason together with Mr Kingsley Stephen Sithole (26), who last Thursday had charges against him withdrawn.

They had also denied four alternative counts under the Terrorism Act and two under the Internal Security Act.

Clad in a green track-suit with gold stripes, Kekane listened atten-

tively as the judge made remarks before passing sentence.

Mr Justice Kirk-Cohen said he took into account some of Kekane's personal circumstances placed before him by Kekane's counsel, Mr Morris Basslian.

He accepted that he was not involved in politics and was young when he left the country at the age of 19 in October 1976.

He also accepted that at the time, there were many young blacks who were dissatisfied with their education and hoped for a better one once they had been declared refugees by the United Nations.

However, this had not happened and he had agreed to join the military wing of the ANC.

Once this had happened, he had become totally dependent on the organisation and to resign or withdraw would result in dire consequences.

He said the training Kekane had received was to be used to undermine the Government of the Republic with the ultimate aim of overthrowing it.

In his (the judge's) view, change and betterment must come without violence and promotion of a state of anarchy or barrel of the gun.

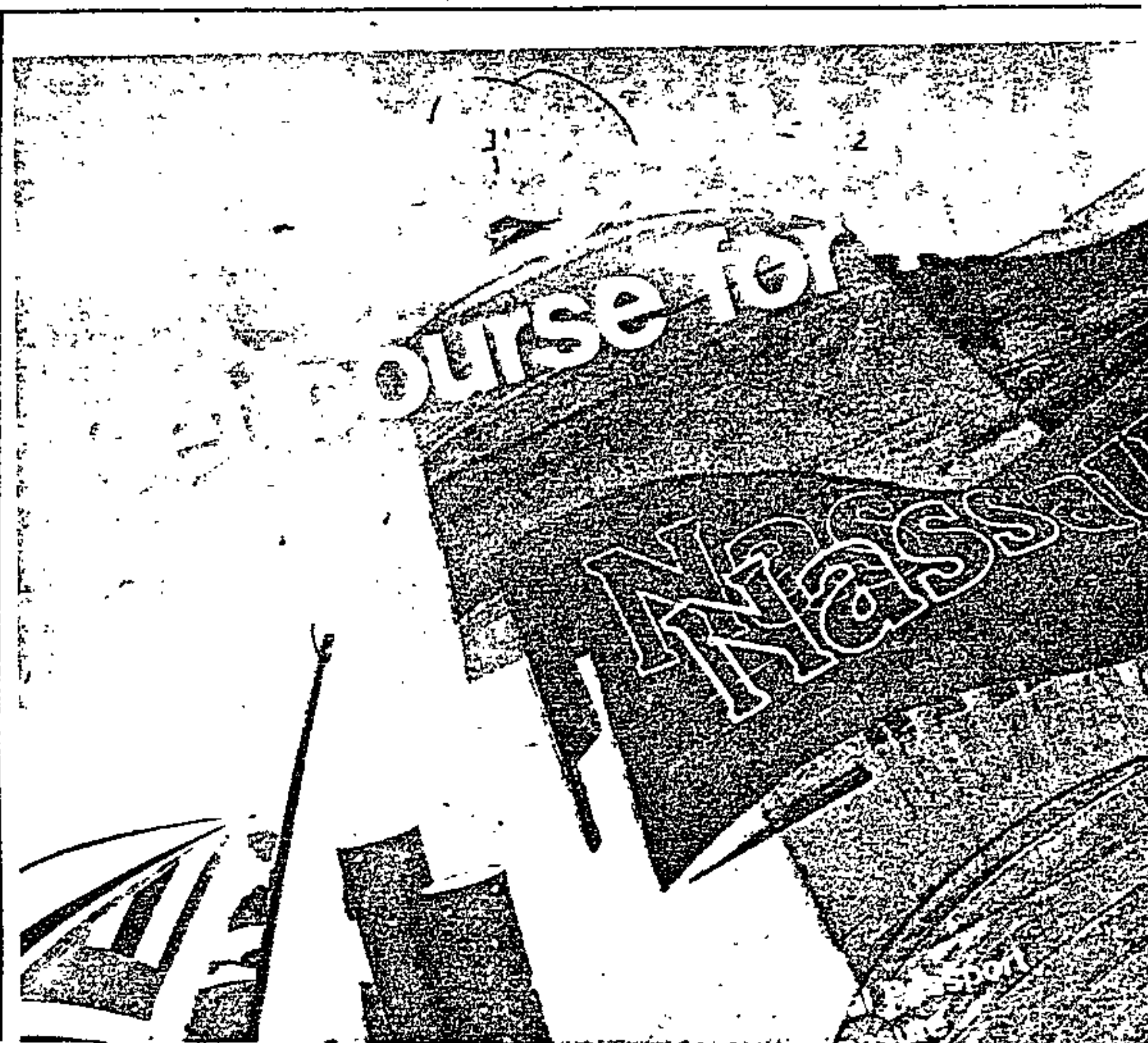
"I have taken into consideration that you are a first offender, you come from an underprivileged home, that you have been in jail for 15 months, that there was no loss of life in the railway blast, but society requires that people

should be entitled to reform without intimidation and fear," he said.

Earlier, before sentencing Lesotho, he said said he accepted that he (Lesotho) had bought the Russian-made pistol for self-protection, and had committed no offence with it while it was in his possession.

"I have taken into account that you have been in jail for 15 months. I had considered imposing a fine on you, but if I do that your two children, aged seven and five, would suffer.

"I am not going to do that provided you go on the right path and become a law-abiding citizen. Your future is in your hands and I hope you will take the chance in both your hands and lead a good life," he said.



Mandela a pivotal factor, Court hears in video recording

Mercury
331 29/10/85

Pietermaritzburg
Bureau

SOUTH Africa's political solutions would not be solved unless Nelson Mandela, jailed leader of the ANC, was released, the Supreme Court here heard when a video recording of a speech by Aubrey Mokoena was screened yesterday.

The video tape was the fourth screened by the State in its case against 16 UDF leaders charged with treason for allegedly conspiring with the ANC to overthrow the Government by violence between 1980 and 1985.

The tape was of one of 54 meetings involving the accused which were recorded on tape or video and which the State has provisionally handed in as evidence and has still to prove.

In yesterday's screening Mr Mokoena, 37, of Soweto, made the alleged references to Mandela at a UDF rally at Orient Hall, Durban, on November 14, 1983, which had been organised in opposition to the then Prime Minister Mr P W Botha's meeting with Indian leaders in the Durban City Hall.

The Court heard Mr Mokoena allegedly say that Mandela is a pivotal factor in the struggle. There can never be any political solution in the country unless they release Mandela.

Mr Mokoena described

'incarcerated people' such as Mandela as those who are 'stigmatised as criminals when in fact they are prisoners of war, of conscience'.

A Zulu song during the meeting had the following (translated) lyrics: 'Come soldiers (x4) Come Mandela (x2)/ Come Gumede (x2)/ You are our father/ Come soldiers (x2).

Also allegedly at the meeting were four other treason trialists.

They are Durban attorneys Archie Gumede, 70, a UDF co-president, Paul David, 40, who chaired the meeting, George Sewpershad, 43, president of the Natal Indian Congress, and insurance broker Mewa Ramgobin, 52, national treasurer of the UDF.

At the request of Mr Justice Milne, Judge President of Natal, the Zulu word translated as 'kill', which was sung by someone in the audience, was changed to 'bury', to which four black youths had chanted in reply 'AK-47'.

A fifth video tape was shown to the Court in which accused Durban attorney Moorogih Naidoo, 53, allegedly told a Krish Rabilal Memorial meeting in Durban, in February 1984, that 'the day will come soon when whites in this country, for their own survival, will have to speak to the ANC'.

'I am loyal to my country and I want to be a patriot until death.

'But that patriotism is for my country not for white racist South Africa ... there are people who are fighting against this country not because they are terrorists but because they feel they are fighting a patriotic fight for this country, for the freedom of this country,' Mr Naidoo allegedly said.

Mr Justice Milne interrupted the screening of the meeting and after consulting with the Zulu court interpreter, Mr T S Nsundwana, ordered that the translation of the words of a Zulu song, heard on the video, be corrected.

The transcript had alleged the lyrics of the song were: 'Their case is a heavy one and they shall tell the truth/ Through rifle (bazooka) (x4)/ You send them through (sjambok) they will tell the Truth/ Through the barrel of a gun (x4).

The corrected translation read: 'Their case is serious/ They are going to speak the truth through ... (inaudible Zulu word)/ Send Zulu (either people or a storm or lightning) to them they will speak the truth'.

This was repeated several times, Mr Nsundwana said.

The trial continues today.

22 women appear in Soweto court

The 22 women charged with holding an illegal gathering outside the Moroka Police Station in Soweto at the weekend appeared briefly in the Protea Magistrate's Court yesterday.

They are on bail of R200 each and will appear in court again on November 27, reports Sapa.

Nineteen of the women are white and they have also been charged with entering a black residential area without permission.

● From Rome, The Star's Foreign News Service reports that the Vatican has attacked the "absolutely extraordinary" arrest of four white nuns, among the 22 women arrested outside the Moroka

Police Station. They had been demanding the withdrawal of soldiers from the township.

The Vatican spokesman added that an official protest may later be lodged with the South African Government.

"We will do something, especially if they stay in jail," he said.

The spokesman said a full report was still being awaited from the local Roman Catholic Bishop.

But, he said: "We have made our position clear on the events in South Africa. The Pope has spoken out strongly against it. We find the arrests absolutely extraordinary."

Five alleged PAC men on terrorism charges

331 By Mike Tissong ST AR

Five alleged members of the Pan Africanist Congress (PAC) appeared in the Potchefstroom Regional Court yesterday on charges of receiving training in warfare tactics abroad and planning to overthrow the South African Government by violent means.

The five pleaded not guilty to four main charges under the Terrorism and Internal Security Acts and four alternative counts.

One of the accused, Mr Jan Tshoba, pleaded not guilty to additional charges of possessing a firearm and ammunition.

The five men are: Mr Tshoba (26) of Serope Street, Atteridgeville, Pretoria; Mr Mlandeli Morris Khetye (30), of Mdantsane, Eastern Cape; Mr Elby July (26), of Maputa Street, Vergenoeg, Kimberley; Mr Michael Masana Gquamana (23), of Fergusson Road, New Brighton; and Mr Bonise Nkabinde (23), of Jabulani, Soweto.

CONFESSION

29/10/85
After the men had pleaded, the prosecutor, Mr V Bassermann, handed in a confession allegedly made by Mr Khetye to a Klerksdorp magistrate, Mr Cristo Bezuidenhout, on February 1.

The defence advocate, Mr R Felvan, opposed the confession's admission as evidence, leading the way for a trial within a trial.

According to the charge sheet, the men were PAC members who recruited people for training in warfare and sabotage. They also allegedly supplied weapons and equipment to people.

CAPE TIMES 29/10/85

Treason: Man gets 14 years

JOHANNESBURG. — A young man was yesterday jailed by a Rand Supreme Court judge for 14 years for high treason.

Dime Kekane, 27, was found guilty of high treason after he changed his plea from not guilty and admitted undergoing military training under the auspices of the ANC.

He admitted sabotaging an overhead power-line on the railway line between Dube and Phefeni on June 3, 1982.

Kekane was charged with Albanos Matlhare Lesotho, 26, and Mr Kingsley Stephen Sithole, 26, with treason and under the Internal Security and Terrorism Act. Proceedings were stopped against Mr Sithole last week.

Lesotho pleaded guilty to unlawfully possessing a Russian-made firearm and ammunition. Yesterday he was sentenced to 12 months' imprisonment, suspended for five years. He told the court that in 1983 he had been attacked and robbed. He bought a Makarov pistol for protection.

In sentencing Kekane, Mr Justice F C Kirk-Cohen took into account that Kekane left South Africa in October 1976 because of dissatisfaction with conditions in Soweto, particularly educational facilities.

'Betterment'

The court was told Kekane left the country with the idea of becoming a refugee and obtaining help from the United Nations. After becoming disillusioned when he received no help, Kekane joined the military wing of the ANC.

The judge said: "It should be the aim of right-minded citizens of this country to strive for the betterment of the lot of all who live within the confines of this State, especially those whose circumstances are worse than ours."

This had to be done in an orderly and proper manner. "Society requires it be able to improve its lot without violence, intimidation, or fear," he said. — Sapa

CAPE TIMES 29/10/23
**Cape Times journalist
in court after arrest**

Staff Reporter:

CAPE TIMES journalist Peter Dennehy yesterday appeared in the Goodwood Magistrate's Court after being arrested in terms of the emergency regulations in Elsie's River on Sunday afternoon.

He was the first journalist to be arrested in terms of the emergency imposed in Cape Town

at the weekend.

No charges were put to Mr Dennehy 27 of Observatory, and he was not asked to plead.

The case was referred to the Attorney-General and Mr Dennehy was warned to appear on November 28.

Mr P C van Deventer was on the Bench. Mr F Potgieter appeared for the State. Mr R Gogarty appeared for Mr Dennehy.

Union chief in court

A self-exiled South African Congress of Trade Unions (SACTU) organiser joined the African National Congress (ANC) in the 1970s because he believed "there was no other alternative to effect a political, economic and social change in South Africa", a Johannesburg magistrate was told yesterday.

Mr Sipho Zachius Binda (33), of Rockville, Soweto, has pleaded not guilty to two charges of endangering the security of the State. The charges include undergoing military training in Angola between 1977 and July 1982.

BRING ABOUT

It is alleged that from July 1982 until 1984 he influenced certain people to bring about change in South Africa, inspiring fear through acts or threats of violence and the possession of ammunition.

Mr T Beckerling, for the defence, said Mr Binda left the ANC and joined SACTU in December 1983 because "the scope of the South African labour scene had expanded following the Wiehann Commission and other legislation".

When Mr Binda was arrested in September 1984, he was SACTU's co-ordinator for the Transvaal, monitoring the labour situation, liaising with trade unions and writing international labour organisation reports.

His activities for SACTU were not illegal, Mr Beckerling said.

The case continues.

Tambo claimed clergy in ANC, says witness



Picture: HANNES THIART, The Argus.

Lifesaving Club captain Mr Paul Fortuin, left, looks on as

Argus Correspondent

MARITZBURG. — Mr Oliver Tambo, leader of the ANC, had claimed that many churchmen were to be found in the political and military ranks of the ANC, Mr ID de Vries, a political science expert, told the treason trial here today.

Mr de Vries said that at a World Council of Churches meeting in Holland in June 1980, Mr Tambo called on churches to help mobilise the masses in South Africa.

Many South Africans had heeded this call and were to be found among the ANC military forces.

Mr de Vries was asked by the State to analyse some evidence and was asked to comment on black theology.

Theology of revolution

He said that in itself black theology did not relate to revolution. However, when people said they had religious ideals and leant towards violence, they were dealing in the theology of revolution.

It was said that in black theology the emphasis should not be on the vertical relationship between God and man. To be a good Christian there had to be more emphasis on the horizontal relationship between man and man, that is, by having men help their fellow men.

In the seventh tape shown during the trial, accused Mr Mewa Ramgobin told a Release Mandela meeting at Regina Mundi, Soweto, in July last year that Mr BJ Vorster had been interned for anti-State activities — by the same token the Mandelas would rule the country.

He said the human race should go down on its knees and say thank you for the gifts and talents of people such as Mandela, Mbeki and Sisulu. Mr Ramgobin said the people should ask whether present and former members of the South African Government should be tried for treason and sabotage.

"Guilty of sabotage"

"The South African Government is guilty of sabotage and terrorism when leaders of the calibre of Mandela, Tambo, Sisulu, Kethrada and Fischer can give up the security of their professions. These are men we can be proud of and were a gift. They did not do what they did to accumulate wealth and power.

"When the politics of negotiation and protest were made impossible by the banning of the ANC the Mandelas believed that the only language this regime understands is the language that they themselves taught their people."

Mr Ramgobin said Robey Leibbrandt and the "Visser and Van Blercks" were sentenced to death and had their sentences commuted to life imprisonment. They were then released after serving only six years. Men such as Mandela should be released immediately.

ANC has reconciled church and violence, court told

MARITZBURG — An expert State witness told the Supreme Court here yesterday that although black theology did not *per se* relate to revolution, the African National Congress had reconciled Christianity with a commitment to violence.

Mr Isaak de Vries, a lecturer in political science, said only when theology justified the use of violence did it enter the field of revolution.

Mr de Vries, who was giving evidence in the treason trial of 16 United Democratic Front leaders, had been asked by the State to analyse some of the evidence given during the trial and black theology.

LITERATURE

He said that the question of black theology was frequently dealt with in revolutionary literature and quoted an ANC publication in which there was a call for the church to help "mobilise the masses in South Africa".

He said Mr Oliver Tambo, leader of the ANC, claimed that many churchmen were to be found in the political and military wings of the ANC.

During yesterday's trial the judge, Mr Justice A J Milne, expressed his concern about instances when words in the transcripts and translations of video recordings of meetings addressed by some of the accused were more offensive than those in the videos themselves.

Leader of the defence, Mr Ismail Mohamed SC, said the problem was far worse in the case of the sound recordings, where the court was not assisted in its corrections by lip movements and gestures.

In the seventh video screened in court, Mr Mew Ram Ramgobin, one of the accused, allegedly said Nelson Mandela would one day become ruler of South Africa the same way Mr B J Vorster, who was "interned by the Smuts Government for anti-State activities", became Prime Minister.

Mr Ramgobin, who was addressing a Release Mandela Committee meeting in July last year in Soweto, allegedly said the human race should remain grateful for people like Nelson Mandela.

The trial continues today. — Sapa.

Treason trial ³³¹ accused is wed ^{Star} during recess ^{30/10/85}

Happiness, an 11-month-old baby girl, called Happiness, attended the marriage of her parents yesterday at the Rand Supreme Court.

During the lunch-hour adjournment, Mr Justice Mafa Ngidi, who is standing trial on a charge of treason, and Miss Marilia Sandra Nhlabatsi were married by the Rev Paul Verryn.

They were already married in Swaziland under customary law, but couples married under South African law are not normally made to give evidence against each other.

Two policemen escorted Mr Ngidi, who is in custody, to his wedding.

YELLOW FLOWERS

Relatives and friends of the bride and groom, members of the defence team, pressmen and two policemen were present as the two made their vows.

Mr Verryn prayed for the couple's relationship and the future of their children.

An arrangement of bright yellow flowers stood on the table in the office during the short civil ceremony.

Smiling broadly, Mr and Mrs Ngidi signed the official documents, kissed each other and shook hands with well-wishers.

After being congratulated, Mr Ngidi was escorted back to the cells by the two policemen, who shook hands with him as they left.

And Mrs Ngidi, carrying her daughter, left the building.

● Mrs Ngidi last week refused to testify in the trial of Mr Ngidi and two others, saying she feared for her own and her children's lives.



Mrs Marilia Ngidi with her daughter after her wedding to a treason trialist against whom she has refused to give evidence.

Effective six years for unionist

Former ANC leader jailed

By Inga Molzen

Society no longer demands long prison sentences for offences which may be compared with high treason, a Johannesburg magistrate said yesterday before sentencing a trade union organiser for the South African Congress of Trade Unions and former African National Congress camp commander to an effective six years' imprisonment.

The magistrate, Mr D J Pieterse, found Sipho Zachius Binda (33), of Rockville, Soweto, guilty on two counts of endangering the security of the State. He ruled that the five and six year sentences run concurrently.

He was convicted of undergoing military training outside South Africa between 1977 and July 1982, and of influencing certain people to bring about change in South Africa, inspiring fear through acts or threats of violence.

"The defence argued that this was a special case as Binda committed the offences not for personal gain, but because of his beliefs," said Mr Pieterse.

"When Binda was arrested in September last year, he was no longer involved in military training and for nine months had been engaged in legitimate trade union activities.

"Although seen with ANC instructors in Luanda in December 1983 — the same time Binda joined SACTU — the State has not proved he still subscribed to the aims of the ANC.

INFLUENTIAL POSITION

"He undoubtedly held an influential position when appointed camp commander of the Capulama Camp in Angola in December 1982. About 300 trainees must have passed through his hands," the magistrate said.

Although a Human Sciences Research Council survey published in July had shown the majority of Africans found violence reconcilable with their religious views when basic human rights were involved, the courts could not condone violence, he said.

Mr D J Pieterse was on the Bench, Mr J H Theron prosecuted, Mr T Beckerling defended.



Mr Jerry Hlongwa (left), Mr Moses Binda (72) and Mrs Christina Binda (68) of Soweto, were among the family and friends of Sipho Zachius Binda (33) — former ANC camp commander — who packed a Johannesburg courtroom to hear the outcome of his trial.

I'm proud of my son — he is a leader, says Binda's father

By Inga Molzen

Mr Moses Binda.

"I'm very proud of my son. It is people like him who will liberate us," exclaimed a 72-year-old Soweto pensioner after his son was sentenced in the Johannesburg Magistrate's Court yesterday to an effective six years' jail for endangering the security of the State.

Sipho Zachius Binda

(33) was also found guilty of undergoing military training in Angola in 1982 after joining the ANC in 1977.

"My son wanted to help the community. He is a leader," said his father,

Mr Moses Binda.

"I'm glad it's all over and we know the sentence. My son has been in custody for almost 30 months," added Mrs Christina Binda (68).

Earlier, in a 15-page statement, Binda told the court he became actively involved in politics, economics and labour affairs after matriculating in 1971.

"Workers were treated unfairly and in some cases oppressed and exploited."

He wrote that, in 1974, his father retired from his job in the workshop of a motor dealer.

"As recognition of service he was given a gold watch, but he was left virtually destitute with only a Government pension of R80 a month," Binda wrote.

Binda went into exile, and in 1983, after black trade unions were recognised and it became possible to improve labour conditions by working "within the system", he joined the South African Congress of Trade Unions.

Based in Botswana, he was responsible for coordinating SACTU's activities in the Transvaal.

Pietermaritzburg treason trial

ANC says Christians part of its fighting forces, Court told

Pietermaritzburg Bureau

MANY Christians in South Africa were engaged in mobilising the masses and were part of the 'military and political fighting forces of our people', according to an ANC publication read out in the Supreme Court here yesterday.

Mr Isaac de Vries, a political scientist at the Rand Afrikaans University, in his evidence for the State during the trial for treason of 16 UDF leaders, said the African National Congress has reconciled Christianity with the use of violence.

He quoted a report in the ANC magazine Sec-haba of November 1980 on a speech by Mr Oliver Tambo, leader of the organisation, to the world

consultation of the World Council of Churches in Holland in June that year.

The magazine quoted Mr Tambo as saying: 'The present epoch calls for a Church that is closely allied with the poor and the oppressed.'

'It demands Christians of the calibre of Camillo Torres, the heroic Colombian priest who joined the guerilla forces of that country against the tyran-

nical Colombian oligarchy of the 1960s.

'The Christian Church in South Africa is called upon to produce its own Camillo Torreses. It is called upon to join in with other patriots to mobilise the masses of the people.'

'Many among the present generations of South Africans, whom it is perhaps unwise to mention by name, have already heeded this call

and are to be found at home and abroad among the ranks of the political and military fighting forces of our people.'

Mr de Vries said 'black theology' was not revolutionary but if it was taken a step further by the use of arms when your fellow man is oppressed then it becomes a theology of revolution.

Transcripts

Mr de Vries, who is an expert on the tactics of the ANC in South Africa, said as far as he knew Mr Steve Biko, leader of a black consciousness movement who died in

police detention, had no links with the ANC.

Mr Justice Milne, Judge President of Natal, said his impression of a video recording of the Azanian Students' Organisation congress in Soweto last year, where one of the speakers was Mrs Albertina Sisulu, one of the accused, was that the general mood of the meeting was that of anger.

Mr Justice Milne told the State of his concern about 'several instances' where words had to be corrected from the transcripts of various meetings attended by the accused, which 'turned

out to be inoffensive or less offensive from the State's point of view'.

A seventh video tape played to the Court showed treason trialist Mr Mewa Ramgobin, 52, a Durban insurance broker and co-national treasurer of the UDF, giving a talk at the Regina Mundi Church, Soweto, in July 1984.

Robberies

Mr Ramgobin said: 'If people such as B J Vorster could have become Prime Minister and Hendrik van der Berg, head of the Bureau of State Security, then in our hearts and in our

minds the Mandelas are going to one day rule this country.'

He explained how the Ossewabrandwag, whose membership included the two leading Afrikaners, had raised in today's money the equivalent of R7 500 000 through armed robberies and had placed bombs at a newspapers office, shops in Johannesburg, hotels in Pretoria, and had destroyed 'communications systems.'

Mr Vorster and Mr van der Berg were interned during World War II for their participation in the pro-German Ossewabrandwag.

The trial continues.

ACCESS TO HEAL

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'Comment' on Black Theology

Cape Times 30/10/84 351

MARITZBURG. — A treason trial State witness said yesterday that although Black Theology did not per se relate to revolution, the ANC had reconciled Christianity with a committal to violence.

Mr Isaak de Vries, a lecturer in political science, told the Supreme Court here that only when theology justified the use of violence did it enter the field of revolution.

Mr De Vries, who was giving evidence in the trial of 16 United Democratic Front leaders, had been asked by the State to analyse some of the evidence given during the trial, and to comment on Black Theology.

'Mobilize masses'

He said that the question of Black Theology was frequently dealt with in revolutionary literature. Mr De Vries quoted an ANC publication in which there was a call for the church to associate closely with the poor and the oppressed and to join in with the "compatriots" to "mobilize the masses in South Africa".

Mr De Vries also said that Mr Oliver Tambo, leader of the ANC, had claimed that many churchmen were to be found in the ANC.

Yesterday the judge, Mr Justice A J Milne, expressed concern about the fact that in some instances words in the transcripts and translations of video recordings of meetings addressed by some of the accused were more offensive than those in the videos themselves.

The leader of the defence, Mr Ismail Mohamed, SC, said the problem was far worse in the case of sound recordings, where the court was not assisted in its corrections by lip movements and gestures.

A seventh video was screened in court yesterday, in which accused Mr Mewa Ramgobin allegedly said Mr Nelson Mandela would one day become ruler of South Africa, in the same way as Mr B J Vorster, who was "interned by the Smuts Government for anti-State activities", became prime minister.

Mr Ramgobin, who was addressing a Release Mandela Committee meeting in July last year in Soweto, allegedly said the human race should remain grateful for people like Mr Mandela.

'Govt guilty'

"It was the conditions in South Africa perpetrated by the government that caused people to take up arms.

"We unashamedly believe that it is the South African Government that is guilty of treason, that it is the South African Government that is guilty of terrorism.

"When the politics of negotiation and protest were virtually made impossible by the actions of this government with the banning of the ANC and the implementation of many more repressive laws, then the Mandelas believed that the only language this regime understands is the language that they themselves taught the people."

The trial continues today. — Sapa

CAPL Times 30/10/85
Former commander
of ANC camp jailed

JOHANNESBURG — Former ANC military camp commander Sipho Binda under whom saboteurs were trained for activities against South Africa, was yesterday jailed for five years.

He was convicted by Mr D Pieterse in the Johannesburg Regional Court of participating in terrorist activities between 1977 and 1982, and between 1982 and 1984.

Passing sentence the magistrate noted that according to documents before the court, Binda had discontinued his ANC involvement during 1984 and had joined the South African Congress

of Trade Unions.

However, it had to be taken into account that he had been in charge of a military camp and that the aim of the ANC was to overthrow the present regime through violent means.

He said Binda showed no remorse.

While defence counsel, Mr T Beckerling, argued that there were people who favoured constructive discussion with the banned organization, the court had to take into account the escalation of violence and the disregard the ANC had for human life, the magistrate said. — Sapa

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Cape Times, Wednesday,

30/10/85

Treason trial wedding

JOHANNESBURG. — What is believed to be the first marriage ceremony ever to take place in the Rand Supreme Court building in Johannesburg was performed yesterday.

A man on trial for treason wed a woman who has refused to give evidence for the State.

Mr Justice Ngidi, the accused, married Miss Marilia Nhlabatsi during the lunch adjournment.

The ceremony was performed by a Methodist minister, the Rev Paul Verryn, in an office loaned by the Registrar. The defence team supplied a large bouquet of yellow chrysanthemums.

The couple had a traditional marriage in Swaziland in December 1983.

Miss Nhlabatsi was called as a witness at a treason trial being heard by Mr Justice L H W Ackermann in which Mr Ngidi is an accused.

She has refused to testify on the grounds that the ANC would kill her if she did. An inquiry into whether or not this constitutes a just excuse will be heard later.

Under South African law, spouses are not usually compelled to testify against each other.

Yesterday's ceremony was attended by friends of the couple, the defence team, members of the press and two security policemen who later escorted the bridegroom back to court.

The couple have a 15-month-old daughter, Happiness.

During the prayer after the ceremony, Mr Verryn asked God to bless the marriage and said love was not bound by walls.

As the policemen took Mr Ngidi back upstairs, they congratulated him on being a married man. — Sapa

UDF'S LINKS

No connection with ANC, court told

THE United Democratic Front was not connected to the African National Congress in any way, accord-

**SOWETAN
Correspondent**

ing to a transcript of a video tape screened at the treason trial in

Maritzburg yesterday.

The transcript attributes the words to Mrs Mani Ben 'ita, an executive committee member of the

Transvaal Indian Congress.

She was addressing the Natal Indian Congress in Newcastle in August last year. She is not an accused.

This tape, and two others, were screened at the request of the defence.

At the same Newcastle meeting, Mr Billy Nair, who is not an accused, said: "These people, who are not spokesmen for the people, but stooges of the Government, have accused us of being agents of Moscow, the ANC and the KGB."

"So serious is this charge against us that they are actually inviting the Government to take action against Congress and the UDF."

"They say, lock these people up because they are foreign agents."

To Page 2 →

Only 38 000 houses sold

ONLY 38 000 houses have been sold under the 99 year leasehold scheme throughout the country since the mass sale was introduced by the Government three years ago.

Addressing a Press conference held in Daveyton, Benoni yesterday, Mr Tom Boya, the vice president of the Urban Councils Association of South Africa (Ucasa) who is the mayor of Daveyton said, "266 000 out of 520 000 houses throughout the country had been surveyed for selling under the 99-year leasehold scheme."

The conference was called by Ucasa following a meeting they held with the Minister of Constitutional Development and Planning, Mr Chris Heunis, three weeks ago in Pretoria to discuss the housing sale scheme.

Mr Boya said the delay in selling the houses was caused by the surveying being not completed by the government.

Out of 299 black townships, only 48 did not qualify under the 99-year leasehold scheme and Ucasa and the Government were working round the clock to have these townships qualifying under this scheme.

On the question of the selling price of the houses, Mr Boya said it was up to councillors to determine the selling price of the houses in their townships according to a formula drawn by the National Housing Commission.

Treason trial

From Page 1

"If we were foreign agents none of you would be here today. 3/10/85"

"In the meantime they hide behind the protective skin of the Government and accuse us and, in fact, warned the government against us."

"They accused us of intimidation. The Government is using State machinery, the police and so on, to intimidate us, yet they call us intimidators."

"During the last two weeks the Solidarity, NPP and other candidates went out into the townships, telling the old people that they would be fined R500 if they did not vote..."

In an excerpt from another tape screened at the request of the defence Mr Ramlal Bhoo- lia told a Transvaal Indian Congress meeting in Lenasia: "We in this organisation will do our utmost to try to solve our problems by means of non-violence."

"We do not believe in violence and we will continue to follow in the footsteps of Ghandi to solve our problems by means of non-violence."

(331) W. Mail 31/10/85 Court reads from ANC diary

WEEKLY MAIL REPORTER

THE daily movements of ANC guerrillas in the Ingwavuma District, their movements, fears, and plans for 50 operations in South Africa were revealed in a diary allegedly kept by one of 13 accused in the Escourt terror trial.

The diary was handed in by police as an exhibit at the trial last week where four of the accused, including the alleged author of the diary, Robert Mfundisi Dumisa, 26, declared their loyalty to the military wing of the ANC, Umkhonto we Sizwe (MK).

Four of the accused have demanded prisoner of war status and refused to take part in the proceedings.

In his evidence before Justice Andrew Wilson, Warrant Officer Edward van Niekerk said Dumisa had admitted the diary belonged to him.

Handwritten in English, the diary gives an account of Dumisa's last three months in the Ingwavuma bush before his arrest by the South African Police in November 1984.

The diary deals with recruitment and military training programmes in the area and the establishment of arms

caches and dead letter boxes.

It tells of fears and doubts expressed by recruits in Ingwavuma and the need to gain their confidence, and refers to the need to keep strict military discipline in "the unit".

Dumisa, who described himself as "commander" in the diary, wrote: "One of the woman said we'll start the war and retreat to Swaziland leaving them at the mercy of the police and the army ... shows that people have no confidence about our capability to strike at the enemy and win."

"They have accepted us because we talk the truth about oppression and we are their children and brothers. Now it is (up) to us to demonstrate our capability to fight more than the boers and win the war. We must not leave them whatever the enemy offensive might be."

Dumisa wrote that recruits feared they may have been recruited by "hired assassins or boer agents deceiving them" and doubted "our capability to beat the boers in real

combat".

The diary also allegedly discloses secret missions and midnight treks to Mozambique and Swaziland for "material". Dumisa wrote about his unit's struggle for survival in the bush, their difficulty in obtaining accommodation from suspicious locals, and their travels across Northern Natal by bus or on foot.

The first entry into the diary read: "I also learned that the brother to our contact had told us to kill one of his enemies who is a relative of Chief Ntunja and that we refused that on the basis of the ANC's policy and our aims in the area."

His last entry followed concern that police "suspected something".

The accused who refused to plead are Wilfred Mapamulo (28), James Marupen (26), Norbert Buthelezi (23) and Dumisa. Vusumuzi Nyawo (30), Dumesweni Mreni (35), Bafanu Mafu (35), Boy Mvuba (39), Nokuhamba Nyawo (64), Bhekizazi Mthethwa (31), Amos Mafuleka (21), Joel Makhunsa (27) and Mfinywani Bamali (41) all pleaded not guilty.

CAPL TIM'S

31/10/85

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'Danger' of edited evidence

MARITZBURG. — Defence counsel argued yesterday that it was dangerous to screen "commercially edited" videos as evidence in a trial after two scenes, allegedly 15km apart, appeared on the same recording.

The defence counsel for 16 United Democratic Front leaders charged with treason said a video purporting to be of a UDF rally in the Johannesburg City Hall, also contained a scene filmed in Lenasia 15km away.

To date, 11 videos of meetings have been screened as provisional evidence against 16 UDF leaders.

The defence team, lead by Mr Ismail Mohamed, SC, alleges that all except one of the videos in State possession are edited versions.

"This is the danger of commercially edited versions," Mr Mohamed said. "They can change the order of speakers and places around, and the interruptions between one scene and another can be any length of time."

State told to prove admissibility

"The video purports to be in the City Hall, and, as if in one continuous motion, you see scenes of children with 'Don't Vote' stickers on them," he said.

The Judge President of Natal, Mr Justice A J Milne, and State counsel, led by Mr Nick Gey van Pittius, agreed that the location was different and that the mood of the children was different from the mood at the UDF rally.

Mr Justice Milne requested the State to treat as a matter of priority the necessity of evidence to prove the admissibility of the videos as evidence.

A State witness testifying as an expert on revolutionary techniques, Mr Isaak de Vries, said in evidence yesterday that "structural violence" used by a state or government did not occur as a direct result of attack or assault.

He said structural violence was the product of a group or class wanting to maintain a relationship over another group, preventing it from attaining a degree of self-realization.

Meeting on new constitution

A video screened yesterday showed accused Mr Chanderdeo Sewpershad addressing a Natal Indian Congress (NIC) meeting in Newcastle last year on the new constitution of South Africa.

Mr Sewpershad allegedly said the NIC was tired of telling the government that apartheid was the cause of all conflict in South Africa.

"We see mass arrests, people being brutally removed from their homes in the towns. We see people being detained without trial, we see people being paid low wages ... and we see the ordinary police, the security police and the army all around us."

"If we accept the constitution, it would be to increase racial bitterness, racial tension and pave the way for an increase in the violence we see today."

The trial continues today. — Sapa

Judge questions films' validity

'Edited' videos screened at trial

331
B. Day
31/10/85

THE danger of screening "edited" videos as evidence in a trial was argued in the College Road Supreme Court in Maritzburg yesterday after two scenes, alleged to have been 15km apart, appeared on the same recording.

The defence counsel of 16 United Democratic Front leaders charged with treason alleged that a video, purporting to be that of a UDF rally in the Johannesburg city hall, also contained a scene filmed in Lenasia, which is 15km away.

To date, 11 videos of meetings have been screened as provisional evidence against the 16.

The defence team, led by Ismail Mohamed, SC, alleges that all except one of the videos in State possession are edited versions. "This is the danger of commercially edited versions," Mohamed said.

"They can change the order of speakers and places around, and the interruptions between one scene and another can be any length of time.

"The video purports to be in the city hall and, as if in one continuous motion, you see scenes of children with 'don't vote' stickers on them," he said.

Natal Judge President Mr Justice A J Milne, and the State, led by Nick Gey van Pittius, agreed that the location was different and that the mood of the children was different from the mood at the UDF rally.

The judge requested the State to treat as a matter of priority the necessity to bring evidence to prove the admissibility of the videos as evidence in the trial.

Later, an expert State witness, Isaak de Vries, said in evidence that "structural violence" used by a State or government did not occur as a direct result of attack or assault.

He said structural violence was the product of a group or class wanting to maintain a relationship over another group which prevented it from attaining a degree of self-realisation.

De Vries said that, as an academic, he could not give a final answer on the question, but the ANC itself defined revolutionary violence as physical violence.

Treason accused Chanderdeo Sewpersahd was screened yesterday addressing a Natal Indian Congress (NIC) meeting in Newcastle last year on SA's new constitution.

Sewpersahd allegedly said the NIC was tired of telling government that apartheid was the cause of all conflict in SA and that "our society is based on, and governed by, violence".

He added: "If we accept the constitution, it would be to increase racial bitterness and racial tension, and it will pave the way for an increase in the violence we see today."

The trial continues today. — Sapa.

Video of UDF rally challenged in court

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Mercury 31/10/85

Pietermaritzburg Bureau

SENIOR counsel appearing for 16 UDF leaders charged with treason yesterday challenged an edited video recording of a meeting celebrating the UDF's first anniversary played to the Court this week.

Mr Ismail Mohamed S. queried a scene in the video where youths wearing yellow 'Don't Vote' stickers were shown milling around in a street directly after a UDF rally in the Johannesburg City Hall last year.

He said the scene of the youths had taken place in the suburb of Lenasia, about 15 km from the City Hall.

Mr Mahomed said one of the dangers of com-

mercially edited videos was that one can put in or take out scenes.

Turning to occasions where video recordings were interrupted, Mr Mahomed said technically these interruptions could be for any length of time.

Anger

Mr Justice Milne, Judge President of Natal, described the prevailing mood of the speakers and the audience at the UDF rally as one of anger.

He also said he had found it 'frustrating' that the conclusion of a speech delivered by a priest at the meeting had not been on the video tape.

Those of the accused who spoke at the meeting were Albertina Sisulu, 67, a co-president of the

UDF, whom the Court described as a 'skilled orator', Cassim Saioojee, 49, director of the Johannesburg Indian Child Welfare Society, and the Rev Frank Chicane, 34.

Other speakers were Prof Ismail Mohamed, 54, of the University of the Witwatersrand and co-accused M Aubrey Mokone, 37.

The video recording was the eighth of the 21 video tapes which the State has provisionally handed in of various public meetings featured in the case against the 16 trialists who allegedly conspired with the ANC to overthrow the Government by violence.

This is the first time in a political trial in South Africa that video recordings have been used as part of the evidence.

Mr Justice Milne described three video tapes screened to the Court of political meetings attended by some of the accused as 'orderly'.

During the screening of a video of a Transvaal Indian Congress meeting, Mr Justice Milne found that the word 'ANC' had not been chanted by some members of the audience, as had been alleged.

Mr Isaac de Vries, a political scientist at the Rand Afrikaans University and an expert on the tactics of the ANC in South Africa, said those critical of the State usually called violence of the State 'structural violence'.

He said structural violence could be defined as one person or group being able to maintain a re-

lationship over another such that the latter is unable to attain a degree of self-attainment and self-realisation.

Arrests

Mr George Sewpersnad, 43, president of the Natal Indian Congress, allegedly said in a video tape showed to the Court of a meeting in Newcastle last year: how 'all around us we see the effects and the products and the results of violence'.

'We see mass arrests, people being brutally removed from their homes in the towns, people being detained without trial, people being paid low wages and poverty and we see the ordinary police, the security police and the army all around us', he said.

The trial continues today.

Fuel firms hold ethanol key

Mercury Reporter

MOVES by sugar cane farmers to become more involved in the production of ethanol depended on how successfully they could negotiate with fuel companies, South African Cane Growers Association chairman Tony Ardington said yesterday.

Asked about the significance of the Government granting permission to a group of about 100 South Coast farmers to produce ethanol for farm fuel, and

the possibility of other groups following suit, Mr Ardington said:

'I think growers in other areas have considered this on the basis of trying to get a more dynamic approach to the whole thing by the sugar industry.'

'I believe that the Government has adopted an open door policy with respect to ethanol production, to provide one can successfully negotiate with the fuel companies.'

Mr Ardington questioned whether the oil companies could continue to monopolise the fuel market in the long term, particularly if small-scale ethanol plants were established.

A meeting of farmers at Paddock, near Port Shepstone, was told this week that the Government had given verbal approval to a group of about 100 farmers in the area to set up an ethanol plant for farm use.

Robbers grab gun and R2 000

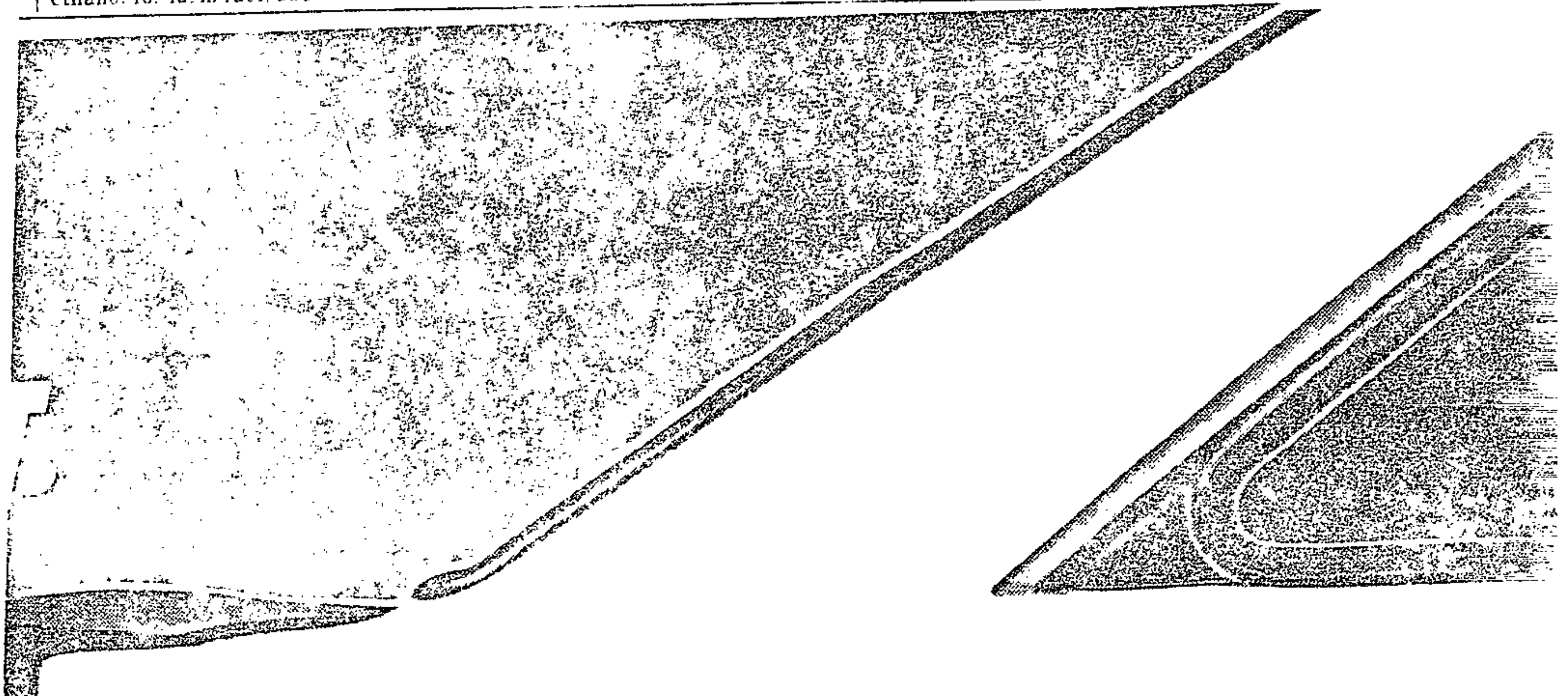
Pietermaritzburg Bureau

A PIETERMARITZBURG shopowner was held up and robbed of a trunk containing R2 000 and a gun yesterday.

A senior police spokesman said Mr Suleman Bayat, accompanied by four women employees, opened Gefieb Store in Church Street about 7.35 a.m.

He placed a small red trunk containing cash and a gun behind the counter. Three black men, one of them with a gun, entered the store.

The gunman held up Mr Suleman and the women employees while his companion grabbed the trunk. The third robber kept guard at the door.



Treason by song and symbol

WEEKLY MAIL REPORTER at the UDF treason trial that began in Pietermaritzburg this week

THE state set out this week in its attempts to prove that the 16 United Democratic Front leaders charged with treason in the Pietermaritzburg Supreme Court associated themselves with the aims of the ANC-led Revolutionary Alliance, the Congress Alliance and the Congress Movement.

The state intends to prove that all 16 accused were very active in the field of mass mobilisation and the popularisation of revolutionary symbols.

Appearing for the state as the case opened this week, Nick Gey van Pittius said that all the accused at various stages expressed the importance of revolutionary songs and other symbols which are "very important to inspire the people for a revolution".

The 16 accused have admitted that they made speeches expressing strong opposition to the "undesirable and unwise" constitution of apartheid, but they all denied in the College Road Supreme Court, Pietermaritzburg, that they had committed treason.

The 16 also pleaded not guilty to an alternative charge of terrorism and a second alternative of furthering the aims of the African National Congress and the SA Communist Party.

Addressing the judge president of Natal, Justice Milne, and two assessors, Gey van Pittius said the state would endeavour to prove that the 16 accused associated themselves with the aims and objects of the Revolutionary Alliance, the Congress Alliance and the Congress Movement.



●Lunch break for the accused ... and an impromptu 67th birthday celebration for Albertina Sisulu (centre)

Picture: ORDE ELIÁSON

According to the state, these three movements are committed to the overthrow of the government by violent means.

Counsel for the 16 UDF leaders charged with treason, led by Ismail Mohammed, SC, have however alleged that 20 video recordings being used as evidence by the state were "edited commercial versions".

Mohammed, who submitted that the edited versions of the videos "do not reflect accurately the full meetings", also raised objections to a transcript of the recording of a meeting of the SA Allied Workers Union.

Mohamed said that due to inaudible

recordings, "more parts of it (the speech) have been left out than have been put in".

All the evidence in the form of audio and audio-visual recordings are being used in the trial subject to the condition that the defence can at any stage object to and argue on their admissibility as evidence.

Before calling their first expert witness, the state told the court that those who aimed at overthrowing the government by violent means felt this could not be achieved by their armed struggle alone. People had to be "conscientised" and united in action. This was done, inter alia, by attacks on

all the institutions of authority (calling the government the enemy and attacking the courts as racist) and the popularisation of revolutionary symbols, songs, dances, slogans and poems.

Among those who attended the opening of the trial this week were the Australian ambassador Robert Birch and diplomatic representatives from Australia, Sweden, Britain, Italy, US, Canada and West Germany.

Also present were a representative of the International Commission of Jurists, Geoffrey Bindman, and Ian Dorsey representing the American Bar Association. P. T. O.

PROFILES OF THE 16 ACCUSED

FRANK CHIKANE (b 1951), was originally ordained as a priest in the Apostolic Faith Mission, but was often at odds with the church hierarchy and now works for the Independent Apostolic Faith Mission and serves as general secretary of the Institute of Contextual Theology. He has been involved in Soweto community life through the Soweto Civic Association and in national politics through the United Democratic Front (UDF).

PAUL DAVID (b 1940), a lawyer who lives and works in Verulam, has been involved with the Natal Indian Congress (NIC) since 1959 and on the receiving end of security laws on several occasions. He has been an active member of the UDF and the Release Mandela Campaign (RMC) as well as many local housing and civic organisations. David was one of the six British Consulate "sit-in" figures.

THOZAMILE GQWETA (b 1952), joined the Black Allied Workers Union (BAWU) in 1978 and then the breakaway non-racial South African Allied Workers Union (SAAWU). He has been detained and allegedly tortured by Ciskei and South African police on a number of occasions. In 1981/2 during one period of detention, his girlfriend and mother of his child were shot dead by Ciskei authorities, then his mother and grandfather were burned to death in a mysterious fire.

ARCHIE GUMEDE (b 1914), a lawyer whose practice had to be sold during a long period in prison before bail was granted, is a national president of the UDF and one of the Durban "sit-in six". This is his second treason trial: he was acquitted at the end of the marathon treason trial of 1956-61. Gumedes father was a president of the ANC and he himself was part of the defiance campaign. Gumedes is a deacon and staunch member of the Congregational

Church.

ESSOP JASSAT (b 1932) is a doctor with extensive personal experience of detention and banning orders. He served on the Transvaal Indian Congress (TIC) executive from 1955-60, was elected president when the organisation was resuscitated in 1983 and chaired the Anti-SAIC Committee in the Transvaal. He has also been prominent in several welfare agencies such as the Johannesburg Indian Social Welfare Association (JISWA) and the Central Islamic Trust. He is a patron of the UDF and an executive member of the National Medical and Dental Association.

SAM KIKINE (b 1948), a trade unionist who has experienced long periods of detention and solitary confinement, was hospitalised during one such period for psychiatric treatment. He was general secretary of SAAWU and involved in a leadership struggle within the union during early 1984.

ISMAIL MOHAMED (b 1930), a professor of mathematics at the University of the Witwatersrand, has been involved in the Johannesburg Child Welfare and the Detainees Parents Support Committee. He has also been politically active in a number of organisations, such as the Anti-President's Council Committee, the TIC and the Transvaal Region of the UDF.

AUBREY MOKOENA (b 1948) came to the UDF via Black Consciousness. A co-founder of the South African Students Organisation (SASO), he has since 1974 been detained on several occasions and has served a five-year banning order. He has extensive experience of community programmes, including setting up mobile health clinics, and is the publicity secretary of the RMC and a national executive member of the UDF.

"M J" NAIDOO (b 1931), a Durban

attorney, is a member of the Democratic Lawyers Association. During his period at the University of Natal, he served as President of the SRC. He was president of the NIC in 1973-78 and Vice President ever since. He was banned in 1982. Naidoo was one of the British Consulate "sit-in six". He has been involved in such community groups as the La Mercy Ratepayers Association.

ISAAC NCOBO (b 1947), has been an active member of the SAAWU, serving on the executive with Sam Kikine. He was suspended along with Kikine during a 1984 split in the union. Ngcobo has twice been detained and was arrested on charges of treason in February 1985.

SISA NJIKELANA (b 1955) has been general secretary of SAAWU, based in East London. His union involvement dates back to 1979; he was sacked a year later from his factory job for recruiting union members. He has had at least seven major periods of detention since 1980, four times by the South African authorities and three times by Ciskei police. In 1982 he was charged with treason, but the charges were dropped.

CURTIS NKONDO (b 1928), a teacher of history, geography and English, was appointed headmaster of Lamula Secondary School in 1975. Two years later he was suspended from teaching and he was suspended from black school premises. A prominent member of the Black Consciousness Movement, he was elected president of AZAPO but quit over the issue of non-racialism. He has served a three-year banning order and was significant in the formation of COSAS, AZASO and the Soweto Youth Congress. Nkondo is a member of the RMC and a regional vice president of the UDF.

MEWA RAMGOBIN (b 1932), an

insurance broker and consultant with a degree in political science, was responsible for the resuscitation of NIC in 1971 and has served on that body ever since. He has been banned three times, once under house arrest. Ramgobin is national co-treasurer of the UDF and an executive member of the RMC. He was one of the "sit-in six", arrested and charged with treason when he left the British Consulate building. Ramgobin is accused number one in the trial.

CASSIM SALOOJEE (b 1936), is a director of JISWA. Unlike most other of his co-accused, he has not been detained, banned or charged before. Saloojee has been an active member of the TIC and co-treasurer of the UDF National Executive committee, being in charge of fund-raising and distribution of funds since 1983. He is also leader of Actstop, an organisation which represented people living "illegally" in the wrong group areas.

"GEORGE" SEWPERSHAD (b 1936), a lawyer trained at Natal University, joined NIC in 1956 and has been its president since its revival in 1971. He has been twice detained and twice banned. One of the "sit-in six", Sewpershad has a history of involvement in community campaigns such as the Durban Housing Action Committee. He is also a member of RMC and was active in the Anti-SAIC Committee.

ALBERTINA SISULU (b 1918) is a nurse and the wife of jailed ANC leader Walter Sisulu. She was an active member of the ANC Youth League, as well as the ANC Women's League and later the Federation of South African Women. She was one of the first detained under the then-90 day detention law, and was banned for a total of 17 years. Sisulu is a UDF national president.

Mysterious Mr O'Brien

EVIDENCE of a key State witness about a military pre-emptive raid, in which documents and weapons were seized, was ruled to be inadmissible yesterday by the Judge President of Natal, Mr Justice A J Milne.

A Mr O'Brien, who may not be identified, was to have given the evidence in the treason trial in Maritzburg of 16 United Democratic Front and trade union leaders.

The State alleges that one of the documents seized during the raid is in the handwriting of an accused.

At the start of his evidence, O'Brien gave a detailed account of the raid and his orders, but Ismail Mohamed, SC, contested the admissibility of the evidence.

Mohamed said, because of an affidavit issued by Defence Minister Gen Magnus Malan in terms of the Internal Security Act, the witness was prohibited from revealing certain information about the raid.

Mohamed said the evidence the witness was allowed to give thus became irrelevant to the trial.

He said O'Brien was entitled to say he went on a pre-emptive strike, took photographs and seized documents and weapons.

In terms of the Minister's affidavit, O'Brien was not entitled to say, in the interests of State security, where the documents and other items were found, he said.

"The affidavit has knocked the bottom out of the admissibility of the evidence," Mohamed said. "It shuts the witness's mouth."

Mr Justice Milne said it was quite clear from the Minister's affidavit O'Brien was not to have said he had been given a code-name, what his instructions were or who had been killed or released.

He agreed the evidence was inadmissible and ordered it be struck from the record.

A counsel for the State said the only way the matter could be resolved was to ask Malan for a new document in which the situation was clarified.

The 16 accused have pleaded not guilty.

The trial was adjourned to November 18.
— Sapa.

Judge finds witness has just excuse not to testify

The Mozambican woman who refused to testify in the trial of three alleged members of the African National Congress was found to have a just excuse by a Rand Supreme Court judge yesterday.

Miss Marilia Nhlabatsi, who was married to one of the men in a customary marriage in 1983, exchanged vows with the man under South African civil law in an office in the court building earlier this week.

Miss Nhlabatsi was called as a State witness last week, took the oath and refused to give evidence in the trial of Mr Joseph Boitumelo Leepile (26), Mr Justice Mafa Ngidi (31) and Mr Sipho Stanley Ngwenya (34). The three have pleaded not guilty to a charge of

treason and charges under the Internal Security Act.

An inquiry to establish whether Miss Nhlabatsi had a just reason for not giving evidence was held. Miss Nhlabatsi said she feared for her life.

She also told the court she had married Mr Ngidi in Swaziland in a customary marriage in December 1983. It was submitted Miss Nhlabatsi was Mr Ngidi's lawful wife and could not be compelled to testify.

Yesterday it was agreed that Miss Nhlabatsi and Mr Ngidi were married in Swaziland and that the marriage was valid and binding in that country.

It was also admitted that the couple were married according to

South African civil law two days ago. Mr Justice L W H Ackermann held that the circumstances of that marriage did not affect its validity.

"In my view she married Mr Ngidi in a customary ceremony in Swaziland in 1983 and there is nothing to indicate that the parties did not intend the marriage on October 29 to have all the legal obligations," said Mr Justice Ackermann.

Appearances: Mr C Loxton appeared for Miss Nhlabatsi. Mr I G Farlam SC, assisted by Mr E Cameron, appeared for Mr Leepile, Mr Ngidi and Mr Ngwenya. Mr C B Ferreira, assisted by Miss B L Treurnicht, appeared for the State.

71 in court on arson, murder^{fan} charges

TZANEEN — Seventy-one students appeared in the Ritazi Magistrate's Court near here yesterday on charges of murder and arson.

Their appearance was a sequel to the stoning to death and burning of Mrs Gabaza Nkhwashu (55) last month after villagers had accused her of practising witchcraft that caused the death of two brothers two months ago.

All 71 were not asked to plead.

An application for reduction of bail was made by Mr Don Nkadimeng who represented the students. The R1 500 bail was reduced to R200 each and the case postponed until November 28.

BURNT ALIVE

Seven villagers appeared in the Lulekani Magistrate's Court near Phalaborwa also on charges of murder and arson. Their appearance is in connection with the burning alive of Mrs Ollosi Khumalo (64), and the burning down of seven shops belonging to Mr Matthew Nkwamba in April this year.

The villagers accused Mrs Khumalo and Mr Nkwamba of kidnapping the two daughters of Mr George Ntimbana Ness (5) and Nkhensani (4) who are still missing. The seven accused were not asked to plead and their case was postponed until December 11. — Sapa.

CAPC Times
1/11/85 (11/11/85) 331

68: Charges withdrawn

Staff Reporter

A CHARGE of robbery against 68 people was withdrawn in the Wynberg Magistrate's Court yesterday, but the 11 attorneys representing them asked the court to record their objection to the possible re-arrest of the 68 under the emergency regulations.

The group, including seventeen youths and at least four University of Cape Town students, appeared in the same court on Monday this week after they allegedly hijacked a bus on Saturday.

The group was not present in court yesterday.

Not politically motivated

Miss J Fleischer, who appeared for six of the accused, told the court that she phoned the Langa police station in connection with clothing parcels for some of the youths and was told by the station commander that the withdrawal of the charges was a "matter of practicality" and that they would be re-arrested outside the courts after their release.

Mr D Giwalla, for eight of the accused, said the charge of robbery was a common law crime and the alleged offence was not politically motivated. He believed the charges had been withdrawn because the bus owner did not want to proceed.

The magistrate, Mr S K E Liebenberg, noted the submissions of the defence counsels.

The 68 were: Mr Mande Ntwesa, Athlone, 27; Mr Zolile Ntabeni, Guguletu, 27; Mr Thabo Molopyane, Guguletu, 20; Mr Mzwanele Sinyanya, Langa, 50; Mr Anthony Mokoka, Kolbe House, Grotto Road, 22; Mr Thembinkosi Thompson, Langa, 18; Mr George Ncedani, Guguletu, 20; Mr Sahluko Konco, Guguletu, 20; Mr Zanoxolo Ngqeza, Guguletu, 19; Mr Amos Xaba, Guguletu, 20; Mr Mteteleli Vanga, Guguletu, 20; Mr Bonqani Mekuto, Guguletu, 21; Mr Melford Ntuli, Guguletu, 19; Mr Mandla Seleane, Guguletu, 34; Mr Vuyani Vanyaza, Guguletu, 30; Mr Vuyo Montshiyo, Guguletu, 18; Mr Patrick Jezile, Guguletu, 18; Mr Puke Maserumule, Guguletu, 23; Mr Mododa Ntulashe, Guguletu, 22; Mr Sizo Vanga, Guguletu, 23; Mr Rooi Ncana, Guguletu, 25; Mr Justice Gola, Guguletu, 31; Mr Michael Motlhabane, Guguletu, 23; Mr Sakhamuzi Dumakude, Smuts Hall, Rondebosch, 23; Mr Goodman Jay, Guguletu, 18; Mr Monwabisi (no address), 19; Mr Gosa Nxokwana, Guguletu, 24; Mr Mdluli Buhle, Guguletu, 29; Mr Mabado Mthuthuzezi, Guguletu, 18; Mr Vuyani Matshabisa, Guguletu, 18; Mr Zandisile Thintelwa, Guguletu, 19; Mr Mzolisi Damane, Guguletu, 18; Mr Andile Ngxokwana, Guguletu, 18; Mr Zamxolo Mdeleleni, Guguletu, 19; Mr Thapelo Matsau, Guguletu, 20; Mr Vuyani Juba, Guguletu, 20; Mr Mzoli Ngcauzele, Langa, 31; Mr Edward Mathews (no address), 20; Mr Mzimkulu Nojozi, Guguletu, 22; Mr Dalikhaya Shumie, Khayelitsha, 18; Ms Shirley Matlabane, Guguletu, 21; Ms Nombulelo Ndleza, Guguletu, 22; Ms Thamikazi Zembe, Guguletu, 19; Ms Nomvuyo Vanga, Guguletu, 19; Ms Shumikazi Kakaza, Guguletu, 23; Ms Nosipho Nciza, Guguletu, 20; Ms Ntombizandile Gwele, Guguletu, 25; Ms Xolelwa Tuta, Guguletu, 20; Ms Yoliswa Miya, Guguletu, 27; Ms Norma Damane, Guguletu, 21; Ms Nontsikelelo Baartman, Guguletu, 19 and 17 youths. Miss N Nel appeared for the State.

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Miss N Nel appeared for the State.

Surprise as judge requests affidavit over SADF raid

Pietermaritzburg
Bureau

IN A surprise development yesterday during the treason trial of 16 UDF leaders, the Judge President of Natal ruled that the Minister of Defence needed to clarify what could be revealed about an SADF raid into Lesotho in 1982.

Mr Justice Milne made the ruling after Mr Ismail Mahomed SC, for the defence, used an affidavit from the minister, who limited what could be said about the raid, to 'shut (a State) witness's mouth' by declaring part of his evidence as inadmissible.

The trial was adjourned until November 18 after Mr Andre Oberholzer, for the State, conceded that he would have to ask the minister for another affidavit clarifying what was to be excluded before further evidence about the raid could be given.

The present affidavit from Gen Magnus Malan ordered that only limited information about a military operation on alleged ANC bases in Maseru, the capital of Lesotho, on December 8 and 9, 1982, could be revealed.

The information which was allowed to be revealed was that photographs were taken and documents and weapons seized during the operation.

During yesterday's proceedings Mr O'Brien, a

witness for the State, said he was a member of the SADF and had taken photographs during a 'pre-emptive strike' into Maseru on December 8-9, 1982.

Destroyed

After Mr O'Brien had outlined what his orders were and certain events during the raid, he was interrupted by Mr Mohamed who said 'the Minister of Defence by his affidavit has destroyed the admissibility of this evidence.'

'The only evidence the State is entitled to lead, and which the Court is entitled to hear, is that during the raid a document in the handwriting of an accused was found.'

It was not revealed whose alleged handwriting had been found.

Mr Mahomed said: 'The witness cannot say the place he found the document was a place occupied by the ANC. He can say he took photographs but cannot produce the developed photographs or reveal contents of the documents he found.'

Struck off

Mr Mohamed said he did not object to the statement that the handwriting of one of his clients was found in a house but objected that the place where it was found was an ANC base.

Mr Justice Milne ruled that there must be clarification about what could be revealed concerning the raid and that part of Mr O'Brien's evidence be

struck off the record.

Mr Oberholzer said he had wanted to show through the photographs that the people in the house were 'ANC terrorists' and said, following the ruling, he could not proceed with the witnesses he had scheduled.

At the start of yesterday's hearing Mr Justice Milne said that under the Internal Security Act he was obliged to ask members of the public and Press to leave the court room and allow the State to argue behind closed doors that certain evidence should be heard in camera.

Provisions

After granting the State's request, Mr Justice Milne allowed the Press to enter the court room and said 'it would be in the interest of the security of the State and administration of justice, that members of the public should not be present but for the Press to be present, subject to certain provisions'.

The provisions allow the Press to reveal the surname of the witness but not to reveal his other names, rank, unit the person is or was attached to, take any photographs or identify the witness which could harm the witness or his family.

Mr Mahomed said the two-week adjournment would allow the defence and the State to prepare their case which would 'save at least three or four times the period of adjournment'.

GR- 7/11/85
1/11/85

Azapo 331 condemns 'hijack' arrests

Staff Reporter

THE Azanian Peoples' Organization (Azapo) and the Azanian Students' Movement (Azasm) last night condemned the arrest of 66 of their members on the way to Port Elizabeth to bury a member of Azapo last Friday.

The statement said: "On Friday just before midnight, about 20 policemen armed with machine guns and rifles stopped a bus carrying 66 Azapo and Azasm members and two drivers at Montagu.

They were on their way to Port Elizabeth to bury a member of Azapo.

"The police alleged our members had hijacked the bus. After searching them individually and the bus thoroughly they took them to Robertson police station where they spent the rest of the night."

"They spent the weekend in police cells and appeared on Monday in court on a charge of robbery which was made known to us on Sunday afternoon."

When the 68 appeared in court yesterday, they were told all charges had been withdrawn.

The two organizations said South Africa had numerous harsh laws which allow the police to arrest and detain any person arbitrarily, yet "they have found it necessary to manipulate the facts in order to charge the members.

Cape Times 11/11/85

UDF trial evidence on raid

Own Correspondent

MARITZBURG. — The Judge President of Natal yesterday ruled in a surprise development during the treason trial of 16 UDF leaders that the Minister of Defence, General Magnus Malan, needed to clarify what could be revealed about an SADF raid into Lesotho in 1982.

Mr Justice Milne made the ruling after Mr Ismail Mahomed SC, for the 16, pointed out that an affidavit from the Minister of Defence limited what could be said about the raid.

The trial was adjourned until November 18 after Mr Andre Oberholzer, for the State, conceded that he would have to ask the Minister of Defence for another affidavit clarifying what was to be excluded before further evidence about the raid could be given.

Photographs

The present affidavit from General Malan ordered that only limited information about a military operation on alleged ANC bases in Maseru on December 8 and 9, 1982, could be revealed.

The information which was allowed to be re-

vealed was that photographs were taken and documents and weapons seized.

During yesterday's proceedings a Mr O'Brien, who may not be more fully identified, said in evidence for the State that he was a member of the SADF and had taken some photographs during a "pre-emptive strike" into Maseru on December 8-9, 1982.

Mr Mahomed said the only evidence the State was entitled to lead was that during the raid "a document in the handwriting of an accused was found".

Mr Mahomed said: "The witness cannot say the place he found the document was a place occupied by the ANC. He can say he took photographs but cannot produce the developed photographs or reveal contents of the documents he found."

Mr Justice Milne ruled that there be clarification about what could be revealed concerning the raid and that part of Mr O'Brien's evidence be struck off the record.

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Bila given three weeks to prove...

BY MARTIN NTSOENLNGOE

THIS

IS

MY COUNTRY

A TEMBISA youth who won a temporary reprieve from being deported this week told the Rand Supreme Court he was assaulted, intimidated and made to "admit" he was born in Mozambique.

Judge H Daniels ruled that Issak Bila be released from prison and not be deported to Mozambique. Mr Bila was given 21 days to prove he was born in South Africa and not in Mozambique as alleged by the police and the Germiston commissioner. Mr Bila brought an urgent application against the Law and Order Minister and the Germiston commissioner after he was found guilty in the Germiston Commissioner's Court of illegally entering and living in SA. Mr Bila had pleaded guilty to the charge on

September 9. But in papers before the Rand Supreme Court, Mr Bila said he had been continuously assaulted and intimidated by Tembisa police to "admit" he was born in Mozambique.

Though he was prepared to pay the fine after he was sentenced to R200 or 60 days, he was taken back to the Kempton Park police cells. Police told his brother Alfred Bila they were investigating whether he was born in SA.

Fearing his brother would be deported to Mozambique, Alfred consulted East Rand lawyers, who visited his brother at the Kempton Park police cells. Mr Bila told them police had forced him to "admit" he was born in Mozambique.

He said he had been tortured and intimidated. The Kempton Park police told his lawyers he was to be deported in a week. The lawyers told the police to delay his deportation or they would take the matter to the Supreme Court.

On September 22, the Germiston Commissioner issued a deportation order against Mr Bila. The lawyers then issued an urgent application against the Law and Order Minister and the Germiston Commissioner in

the Rand Supreme Court.

Mr Bila's trouble started when he was arrested at Komatiport after visiting his father in Mozambique. Police claimed he was not born in SA but in Mozambique.

'Court' in court

By BENITO PHILLIPS

AN ALLEGED member of Duncan Village's "People's Court" has been charged with intimidation.

Zameni Mlingwana - alias Lameki - was refused bail by Magistrate Willie Opperman when he appeared in the East London Magistrate's Court this week.

Magistrate Opperman said he accepted police evidence that Mr Mlingwana - who lives at 749 C Section in Duncan Village - could interfere with State witnesses if released.

Police witness Lieutenant P. Van der Vyver said the "People's Court" had punished people who ran she-beens, bought from white shops where boycotts had been declared, or co-operated with police.

Lt. Van der Vyver said Mr Mlingwana was wearing ANC colours when he was arrested by police. But Mr Mlingwana said this was "pure coincidence".

The case is continuing.

'PAC confession was forced'

By DANIEL DHLAMINI

A "TRIAL-WITHIN-A-TRIAL" is being held at the Potchefstroom Regional Court, where five alleged Pan Africanist Congress members are appearing on charges under the Internal Security Act.

Five magistrates and two interpreters were called to give evidence after defence advocate R Selvan, assisted by D Moseneke, objected to

an alleged confession by one of the accused handed in by the prosecutor on Monday.

Mr Selvan said the "confession" by Mlandeli Morris Khetye, 30, of Mdantsane - handed in after the five accused pleaded not guilty on Monday - had been made under duress.

A number of policemen are to be cross-examined on the "confession" by the defence

and judgment on its validity is likely to be passed next week.

The five men appearing before Magistrate L Kotze are Jan Tshoba, 26, of Atteridgeville; Mlandeli Morris Khetye, 30, of Mdantsane; Elby July, 26, of Kimberley; Michael Masana Gqamani, 23, of New Brighton; and Bonise Raymond Nkabinde, 23, of Soweto, Johannesburg.

They have been charged

for participating in "terrorist activities" and contravening the Arms and Ammunitions Act.

Other allegations against the accused are that they were active members of the banned PAC and that they recruited persons to become members.

A large number of riot unit cops are present at the hearing.

South African 2 Swapo

Mandela on the mend

Staff Reporter

JAILED African Congress leader Mr Nelson Mandela was making a good recovery today — 24 hours after an operation to remove an enlarged prostate gland.

Prisons Service spokesman Lieutenant-Colonel D. J. Immenman said in a statement from Pretoria issued on behalf of the medical team treating Mr. Mandela: "According to the patient's doctors, the patient is well enough to get out of bed today."

He added that the doctors said there were no complications.

Mr Mandela was operated on at Volkshospitaal yesterday.

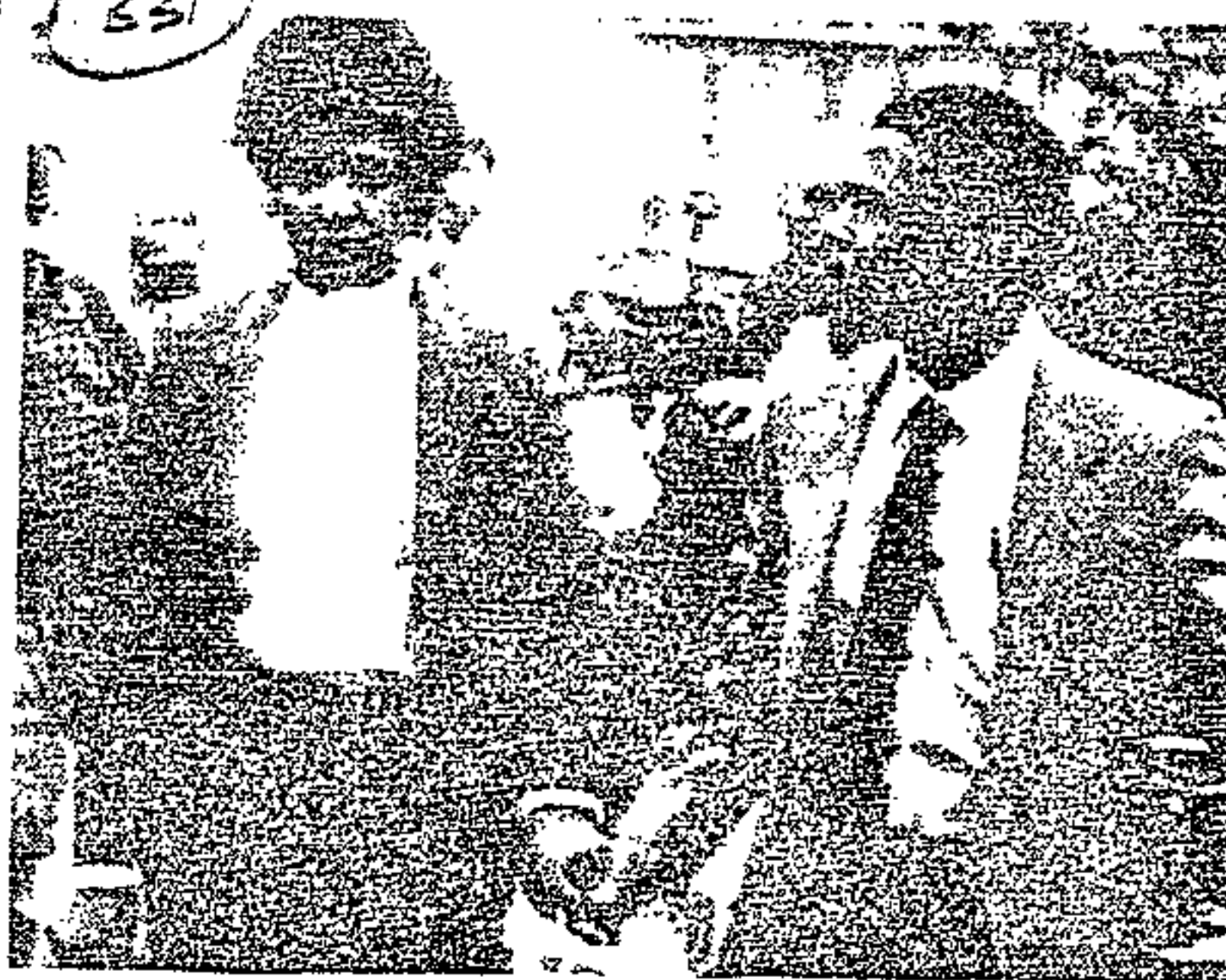
Mrs Winnie Mandela and daughters Zinzi and Zenani were to visit her husband in hospital today for the second time since the operation.

They saw Mr Mandela after the operation yesterday and said he was "fine".

A professor of urology from a British university was one of three medical specialists who operated on him.

The other two were a urologist who has been treating Mr. Mandela for at least a year and another urologist requested by the Mandela family.

A statement by the Prisons Service on behalf of the doctors said their names would not be disclosed as they were in private practice.



Picture: WILLIE DE KLERK, The Argus
Mrs Winnie Mandela visits her husband at the Volkshospitaal today. With her is her son-in-law Prince Thumbumuzi Dlamini.

The peacefulness of the Volkshospitaal in Oranjestad today seemed to defy all the attention given to the institution.

At first glance the peace of the attractive hospital — in a garden setting overlooking the city — was undisturbed as business went on as usual.

But about seven plainclothes guards unobtrusive except for radios and bulging holsters, kept a careful watch at each entrance — trying to shelter under trees as the rain poured down.

● A urologist at Groote Schuur Hospital said today that Mr. Mandela could be expected to be in hospital "for about a week".

BOESAK

WINS

BAIL

PLEA



Dr Allan Boesak

ARGUS 4/11/85

SUE LUPTON, Staff Reporter

DR ALLAN Boesak today won his application for relaxation of his stringent bail conditions.

The application was upheld by the Malmesbury Magistrate's Court.

The only restrictions imposed on Dr Boesak as conditions of his R20 000 bail now are that he may not communicate with State witnesses named by the district commandant of the police in Bellville; provoke or propagate school or consumer boycotts or disinvestment or; visit primary or high schools.

Bail was not reduced because, the magistrate said, evidence showed that although Dr Boesak personally did not have the means to pay this sum he had resources which enabled him to pay it, such as the Foundation for Peace and Justice, an organisation set up by South African churches.

Overseas travel

As a result of scrapping the other bail conditions, Dr Boesak may reclaim his passport and travel freely in South Africa and overseas, addressing any groups he chooses. He may also be interviewed by the media.

After the magistrate, Mr W A de Klerk, had given his judgment, a smiling Dr Boesak was embraced and congratulated by his wife, Dorothy, and many friends.

In his first interview since his detention in August, he said the court's findings had "strengthened my confidence in South Africa's legal system". He said he had seen that a South African court could give "a clear and independent judgment. It gives me hope for all the other political cases which still have to be heard."

He said he would leave South Africa on November 14 to attend a prize-giving ceremony in Sweden where newspapers present an annual award to groups fighting racism.

"The award is being made to a group called SOS in France which fights racism and my wife is presenting the award. We will then travel to the United States where I will receive the Robert F Kennedy Humanitarian Award on November 20," he said.

Family holiday

Dr Boesak said he would tour Norway on the invitation of the Norwegian Government at the end of the year and after that he hoped to have a holiday "just to get away and be alone with the family for a while."

Mr de Klerk emphasised that the charges against Dr Boesak were provisional. Dr Boesak has not yet been asked to plead. He said the onus had been on Dr Boesak to prove that he would stand trial and would not tamper with State witnesses. Mr de Klerk said the retention of the three bail conditions as proposed by Mr H Viljoen SC, Dr Boesak's defence counsel, was not in dispute, and he upheld this. Commenting on his reasons for scrapping the first three bail conditions which compelled Dr Boesak to report twice weekly to the police, restricted him to the Bellville magisterial district, and demanded that he be handed over his passport, Mr de Klerk said these were designed to ensure that Dr Boesak stood trial. He said it had been argued by Mr Viljoen that Dr Boesak would not abscond even if he travelled overseas. The court was largely dependent on evidence, arguments and submissions and the State did not seriously dispute the evidence that Dr Boesak would not abscond.

Mr H Klem, SC, appeared for the State. Mr S Desai instructed by Mr E. Moosa of E. Moosa and Associates, represented Dr Boesak. During the application for amendments to the bail conditions on October 24 and 25, Mr H Viljoen, SC, assisted by Mr Desai appeared for Dr Boesak and Mr Klem was assisted by Mr P J van der Merwe.

Dr Boesak's trial, which relates to four alleged contraventions of the Internal Security Act, was postponed to May 12 next year. Three of the alleged contraventions are in connection with school and consumer boycotts and the disinvestment campaign. The fourth relates to an alleged prohibited gathering. Before October 25 when the State put forward slightly amended bail conditions, Dr Boesak had to report daily to the police station and was not allowed to visit any educational institutions except UWC on pastoral visits.

Ex-teacher found guilty^{5/11/85} of contravening Arms Act³³¹

A former Soweto schoolteacher who was found in possession of pistols, handgrenades and ammunition, was yesterday convicted by a Johannesburg magistrate of three contraventions of the Arms and Ammunitions Act.

Ashington Muzi Nkosi's co-accused, Patrick Sizwe Matshikiza (30), also of Soweto, was found guilty of four contraventions of the Internal Security Act relating to the distribution of ANC pamphlets in Soweto between 1978 and November 1984.

Both pleaded guilty to the respective charges. Various other charges against the two were withdrawn by the State.

Nkosi (29) said in a statement that a friend had given him two Luger pistols, three F1 handgrenades and 38 rounds

of 9 mm ammunition on November 20 last year for safekeeping.

He admitted the grenades were used as offensive weapons could be lethal in a radius of five to 22 m.

Matshikiza admitted being an office bearer of the ANC, participating in a banned organisation's activities and furthering its goals by distributing leaflets issued by the ANC.

He said in a statement he distributed the pamphlets, which he got from an ANC member named David, on about five occasions on street corners in Soweto.

One of the ANC's strategies in politicising the masses was by the distribution of pamphlets, he said.

Sentence will be passed today.

Boesak free to travel, speak

Staff Reporter

DR Allan Boesak was a man of "high political morals and ideals" whose principles would "urge" him to stand trial, a Malmesbury magistrate said yesterday.

Mr W A de Klerk scrapped most of Dr Boesak's bail conditions,

enabling the president of the World Alliance of Reformed Churches to travel wherever he wishes in the six months before his trial for subversion starts in Malmesbury on May 12 next year.

Dr Boesak may also address meetings, ex-

cept at schools, and speak to the press.

Soon after the ruling yesterday, Dr Boesak prepared to fly to the United States where he is due to receive the Robert F Kennedy Humanitarian Award. He said last night that he had notified police that he would be calling for his passport today.

Mr De Klerk found that the State's evidence in the bail hearing had not been satisfactory.

"Some of it was hearsay and of little evidential value, some was inaccurate, and some was in contradiction of its other evidence," he said.

From a consideration of Dr Boesak's evidence, the court found it was most improbable that he would abscond. The court was not satisfied that the safety of the public would be endangered if certain bail conditions were scrapped, he said.

Mr De Klerk said he agreed with Mr H Viljoen, SC, that the courts should not be used as a vehicle for the issuing of restriction orders in the form of bail conditions.

"It appears there are several inroads into the normal bail conditions," Mr De Klerk said. He could not agree to "the possible submission that (Natal treason trialist Mr Mewa) Ramgobin's case is the authority for this court to impose such strict conditions".

Vast resources

Dr Boesak's bail of R20 000 was not changed. Mr De Klerk said it was "not excessive" considering that Dr Boesak had "loyal supporters" and "vast resources to fall back on, one of which was the Foundation for Peace and Justice", which provided part of his bail money.

Only three bail conditions remain. Dr Boesak may not communicate with State witnesses, he may not propagate boycotts or disinvestment and he may still not visit any primary or high school.

Mr S Desai, instructed by E Moosa and Associates, appeared for Dr Boesak. Mr H Klém, SC, appeared for the State.



Dr Boesak at the court yesterday.

Cape Times 5/11/05 331

'Taken aback' at ANC charge

DELMAS. — In a surprise move, the State has applied for permission to add "furthering the aims of the ANC" to the charges already faced by 22 Vaal Triangle treason trialists.

At yesterday's hearing in the Delmas Circuit Court, Mr Arthur Chaskalson, SC, for the accused, said he was "taken aback that one year after the accused were arrested the State has come with a totally new charge".

Mr Chaskalson said the defence would oppose the move.

He also launched an attack on the charge sheet, saying it was not clear enough and was potentially prejudicial to the accused.

The men, who include leading members of the United Democratic Front and the Vaal Civic Association, have not been asked to plead to treason, subversion, terrorism and murder.

Mr Paul Fick, for the State, said that, on consideration, the State had decided to charge the accused with actively promoting the aims of the African National Congress.

Mr Fick said the men had promoted the idea of violence and revolution to overthrow the State and had also been responsible for popularizing the ANC and its leaders.

The accused, he said, had also been involved in campaigns against the new constitution, black local authorities, group areas, forced removals, black schooling and the SADF, among other things.

All this had served to promote the aims of the ANC, he said.

Mr Chaskalson argued that the defence had been given no advance warning of the new charge and the State had not given enough reasons why it should be included on the charge sheet.

He said certain evidence in the indictments and court documents, as they stood, were confusing as some details were inadequately set out.

For the accused to be treated fairly, the State should give more particulars, he said.

The trial continues. — Sapa

Judge to rule on indictment

Span Pretoria Bureau 6/11/85

The charges facing the 22 Vaal Triangle treason accused came under close scrutiny in the Delmas Circuit Court yesterday, both from the defence team and from the judge.

Mr Justice K van Dijkhorst will rule on Friday whether the indictment is specific enough for the defence to prepare its case properly.

Yesterday the judge questioned State counsel at length regarding the clarity of the indictment.

He told Deputy Attorney-General Mr P Jacobs that some of the State's allegations left open "hundreds of possibilities" and this could make it difficult for the accused to prepare their defence.

MORE DETAILS

Mr Arthur Chaskalson SC, for the defence, told the court that unless more details were given, the case would be slow and chaotic. This was prejudicial to the accused, who had a right to be tried as soon as possible.

Mr Chaskalson pointed out that documents submitted by the State — including minutes of UDF meetings — ran to more than 5 000 pages. In many instances the State had left it to the defence to undertake a "treasure hunt" for the relevant portions.

Mr Jacobs said the State had gone out of its way to provide the necessary information.

None of the accused, who include leaders of UDF and the Vaal Civic Association, has yet been asked to plead to a main charge of treason, or alternatively subversion, terrorism and five counts of murder.

Yesterday the court ruled that the State could add to this list another alternative charge of promoting the aims of the ANC.

Arms Act: 331 ex-teacher gets 5 years

A former Soweto schoolteacher was jailed for five years by a Johannesburg magistrate yesterday for illegally possessing arms and ammunition.

His co-accused, a 30-year-old self-confessed office bearer of the African National Congress, was sentenced to three years' imprisonment.

Ashington Muzi Nkosi (29) received a two-year sentence for possessing two Luger pistols without a licence, 2½ years for possessing three hand grenades and six months for possessing 38 rounds of 9 mm ammunition. He was convicted under the Arms and Ammunition Act.

ANC PAMPHLETS

Patrick Sizwe Matshikiza was found guilty of four contraventions of the Internal Security Act relating to the distribution of ANC pamphlets in Soweto between 1978 and November 1984.

Both men pleaded guilty.

Nkosi said the arms and ammunition had been given to him by a friend "for safekeeping" on November 20 last year — the day he was arrested.

In mitigation of sentence, Mr A Soggot SC argued that Nkosi and Matshikiza had each spent more a year in custody and almost six months in solitary confinement.

Boesak in court over bid to be at funeral

ARGW 6/11/85

331

Staff Reporters

POLICE and troops surrounded Wynberg Magistrate's Court and blocked nearby roads today before the appearance of Dr Allan Boesak and 10 other people arrested while trying to attend a funeral in Guguletu.

The heavy security operation disrupted traffic and frustrated people who had to queue to enter the building through security checks.

Of eight others scheduled to appear, at least four are known to be in detention and a stand-in attorney — their lawyer is also detained — said emergency regulations did not allow him to establish the whereabouts of two more accused.

In another hearing in Cape Town Magistrate's Court, also arising from recent events in the city, three of 15 accused did not appear and are believed to be in detention.

Dr Boesak and 18 other people were arrested on their way to a funeral in Guguletu on August 10 for not having permission to enter a black township.

Warrants of arrest

The 10 who appeared with Dr Boesak in Wynberg today were Mr Willem Boesak, 37, of Bishop Lavis, Mr Ashrok Mohammed, 21, of Rylands, Mr Charles Martin, 26, of Belgravia, Mr Charles Kent, 22, of Observatory, Mr Eckart Schlotfeldt, 24, of Observatory, Mr Peter Mentoor, 27, of Westridge, Mr Gotte Svensson, 32, of Rosebank, Ms Debbie Lewitt, 20, of Rosebank, Mr Cyril Africa, 26, of Athlone, and Mr Benjamin Hoors, 23, of Mitchell's Plain.

The other eight were not present today and warrants for their arrest were issued but held over until November 27.

Mr S Desai, appearing for all the accused in place of Mr Dullah Omar, who is in detention, said Mr Andrew Brown was writing exams and Ms Peta Scop was appearing in Cape Town Magistrate's Court on another matter.

Regulations

Of the six others four are known to be in detention. They are Mr Lionel Louw, 35, of Kraaifontein, Mr Robin Petersen, 26, of Belgravia, Mr Gottfried Kraatz, 44, of Rondebosch, and Mr Esrahim Rasool, 23, of Primrose Park.

Mr Desai said that under the emergency regulations he was not able to establish the whereabouts of two accused, Mr Gesant Solomon, 43, of Lotus River, and Mr Fareed Esack, 28, of Kenwyn.

No formal charges were put to the accused and they were not asked to plead. Bail was extended and the hearing was postponed to November 27.

Mr S F van Niekerk was on the Bench. Mrs M Wilson appeared for the State.

● Fifteen woman charged with attending an illegal gathering at the Caledon Square police station on September 18 while waiting for a delegation to deliver a letter to the Com-

Boesak trial: Court surrounded

(Cont from Page 1)

missioner of Police, appeared again in Cape Town Magistrate's Court today.

Three of those who appeared at the previous hearing did not appear today as they are believed to be in detention.

Warrants for their arrest were held over until the trial, set for December 10.

Those who appeared are Mary-Ann Adam, 28, Nabom Sonto, 28, Fatima Omar, 22, Paskelina Tyeku, 50, Brenda Marks, 21, Desiree le Roux, 22,

Margot Lynn, 26, Peta Scop, 23, Marjorie Pather, 59, Vivienne Madekwa, 38, Sophie Makhetho, 53, Azaad Ally, 22, Bulela Tinto, 31, Rachmed Omar, 34, and Lettie Malindi, 63.

They were warned to appear in court at the old Receiver of Revenue building, Parade Street.

Mr G Rossouw was on the Bench. Mr J de Klerk appeared for the State. Mr L A Rose-Innes, instructed by E Moosa and Associates, represented the women.

State is entitled to add alternative charge - judge

THE Delmas Circuit Court yesterday ruled that the State is entitled to add an alternative charge of furthering the aims of the ANC to the charges already faced by 22 Vaal Triangle treason accused.

The group of UDF, Vaal Civic Association and trade union leaders, who are accused of inciting bloody revolution, are facing a main charge of treason with alternative charges of terrorism, subversion and five counts of murder. None of the men has yet been asked to plead.

Mr Justice K von Dijkhorst ruled yesterday that until the accused had pleaded the State was at liberty to add to the indictment.

He said the campaigns — against such things as the labour laws and the Group Areas Act — which the accused are now alleged to have undertaken on the ANC's behalf, were already mentioned in the indictment.

"So this is not a new matter although I concede that the case will now have to be approached from a different angle."

Mr Arthur Chaskalson SC, for the defence, objected to the addition to the indictment, saying a whole new point was being raised which would slow down the case and possible prejudice the accused, some of whom have now been in jail for more than a year.

The Attorney-General, he said, had a duty to try the accused as soon as possible.

The indictment could be amended only with the court's permission. — SOWETAN Correspondent.

Passport withdrawal

Boesak to fight decision

CABT Times
6/11/85
331

By BARRY STREEK
Political Staff

DR ALLAN BOESAK hopes to institute a Supreme Court action by Monday to compel the government to restore his passport.

"We are going to fight this one in whatever way we can, even if it means we have to go to the Supreme Court," Dr Boesak said last night in an interview.

"If I have my way, we will have an application in the Supreme Court and I am hoping to do that by Monday," he said.

Court ruling

Dr Boesak and his attorney consulted senior counsel yesterday afternoon about the government's decision to take away his passport after it had been restored by a ruling in the Malmesbury Magistrate's Court on Monday.

His attorney, Mr Essa Moosa, said last night that no decision about legal action had been taken yet, but it was hoped a decision would be taken soon.

He said he had to leave South Africa by

Wednesday to attend urgent meetings with the secretariat of the World Alliance of Reformed Churches. These meetings had become urgent because he had been forced to miss the New Delhi meeting of the alliance because of his bail restrictions.

After that he and his wife Dorothy are scheduled to travel to Sweden and the United States where he is due to receive the Robert F Kennedy Humanitarian Award on November 20.

'Courageous'

Dr Boesak said that after the magistrate had taken "a very courageous decision", his ruling had simply been overruled by the Minister of Home Affairs, Mr Stoffel Botha.

"I would not be happy if I did not fight this one. I did not think the government could be as insensitive and as stupid

as they have been.

"It is not only the world that the government should consider but also the effects in our country. The anger of the people will not abate because of this — it will grow," Dr Boesak said.

Dr Boesak said he had been inundated with telephone calls and messages from throughout the world.

"The people said they were very happy at the magistrate's decision but they were utterly disgusted by the government's arbitrary action."

● The acting leader of the Progressive Federal Party, Dr Alex Boraine, said the government decision not to return Dr Boesak's passport was "not surprising".

He said the decision would serve no purpose "except to strengthen the view of the interna-

tional community that the government is seeking to throw a blanket of silence over the unrest and in particular the voices of opposition".

● The government decision was also condemned by Solidarity, the official opposition in the House of Delegates.

Solidarity's justice spokesman, Mr Pat Poovalingam, said that while a court of law acknowledged that Dr Boesak was hailed as a man of integrity and idealism and, knowing that he would go abroad to attend conferences, allowed his passport to be returned to him, Mr Stoffel Botha had made South Africa a prison for him.

"In other words Dr Boesak, being still an innocent man, is punished by the minister while his trial is still proceeding," Mr Poovalingam said.

Surprise halt in treason trial

WEEKLY MAIL, November 1 to November 7, 1985

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THE United Democratic Front treason trial in Pietermaritzburg was yesterday adjourned unexpectedly after the appearance of a soldier who who part in an SADF preventive strike in December 1982.

The SADF soldier, named only as Mr O'Brien, told the Supreme Court he had participated in a pre-emptive strike on December night in 1982 and that certain photographs, documents and weapons were taken.

O'Brien started giving a detailed account of his orders and the raid when Ismail Mohamed, SC, leading the defence team, contested the admissibility of his evidence in terms of an affidavit issued by the Minister of Defence, General Magnus Malan.

The Affidavit prohibited certain information being given in the interests of state security and Mohamed alleged that this made the evidence of the witness irrelevant.

Mohamed said O'Brien was entitled to say he went on a pre-emptive strike, that he took photos and he took documents, one of which was allegedly the handwriting of one of the accused. However he could not say where he found the documents.

"The Minister has destroyed the admissibility of state evidence," Mohamed said.

One of the state's advocates said he would ask the minister for a new document, and the trial was adjourned to November 18.

Earlier in the week, the court heard one of the accused suggest that the government had been guilty of treason and terrorism.

The accusation was made in a video tape of Mewa Ramgobin, accused number one, allegedly addressing a meeting of the Release Mandela Committee (RMC) in Soweto last year.

"We believe unashamedly that it is the South African government that is guilty of treason and it is the South African government that is guilty of terrorism," Ramgobin allegedly said in the video.

The State also alleged that Ramgobin said "the Nelson Mandelas" would one day rule South Africa in same way that B J Vorster, who was interned by the Smuts government for anti-state activities, became Prime Minister of South Africa.

The video was one of 11 of meetings attended or addressed by the accused, which have been provisionally screened as evidence against 16 UDF and trade union leaders charged with treason.

Tying the knot to slip out of trouble

THE first-ever marriage in the Rand Supreme Court building took place this week when a treason trialist married a Mozambican woman who had earlier refused to give evidence against him.

The bizarre five-minute ceremony took place under the watchful eye of Security Policemen, who whisked the alleged ANC guerilla back to his cell once the papers had been signed.

Justice Ngidi, 31, and Marilia Sandra Nhlabatsi, 23, had been married under Swazi customary law in December 1983. Under South African civil law spouses cannot be compelled to testify against each other, but the legal standing of the Swazi marriage was in dispute.

So the defence team applied to the police for permission for the couple to be wed under South African civil law. Police initially refused the request and referred the lawyers to the Transvaal

WEEKLY MAIL REPORTER

All have pleaded not guilty.

The defence, led by Ismail Mohamed, SC, told the Judge President of Natal, Justice Milne, at the start of the trial last week that they intend contesting the admissibility of the videos as evidence because "all but one are commercially edited versions".

Referring to the history of the Nationalist government, Ramgobin allegedly said it was too easily forgotten by the people who are in power today that they were "the pioneers of sabotage, subversion and terrorism from as early as 1892.

By WEEKLY MAIL REPORTER

Attorney-General, Don Brunette, who granted permission.

According to Nhlabatsi's attorney, Priscilla Jana, this was the first time anyone on trial for an alleged political offence had been allowed to marry while being held in custody.

Earlier in the trial Nhlabatsi had refused to testify for the state, saying she feared reprisals from the ANC if she did. Two other state witnesses had been sentenced to terms of imprisonment for refusing to give evidence on similar grounds.

Ngidi had been charged together with Joseph Leppile, 26, and Sipho Ngywenya with undergoing ANC military training in Angola and East Germany. All three pleaded not

"The Roby Leibrandts, the Visser's World, and who raised cash through death by the Smuts government for sabotage, subversion and for hindering the war efforts, but that government commuted the death sentence to life imprisonment".

He said the Nationalist government, as its first administrative act, released these people, all members of the Ossewa Brandwag (OB), in 1948 after they had served only six years of their sentences.

The OB, he said, were people who did not hesitate to place dynamite outside hotels, explode communication systems in South Africa and place bombs at the newspaper offices of the Bantu

guilty.

The wedding took place in an office provided by the court registrar.

A Methodist minister, the Reverend Paul Verryn, presided and the entire defence team, members of the trialists families, the press and two slightly embarrassed young Security Policemen were present as witnesses. Also on the scene was the couple's 11-month-old daughter, Ilapiness.

A large bouquet of yellow flowers was provided by the lawyers.

At 1.30 pm Rev Verryn prayed, and even the Security Policemen closed their eyes as he said: "God's love is not restricted by prison walls".

The new husband — and Rev Verryn — kissed the bride and it was all over.

"A man who subsequently became the Prime Minister of this country, and a man who became the head of the Bureau of State Security, B J Vorster and Hendrik van der Berg, were interned by the Smuts government as members of the OB.

"We are going to remind them that if these people can become Prime Ministers, in our hearts and in our visions the Mandelas are going to rule this country."

The state further alleged this week that youths singing, "Do not mourn, mobilise and fight on", brandished four AK-47 rifles at a meeting in Soweto in July 1984.

There will be no honeymoon and no permission has been granted to consummate the marriage.

I ate yesterday the judge found the new Mrs. Ngidi had "just excuse" to refuse herself from giving evidence.

● In the same trial the judge refused an application by the state for the press to be refused access to proceedings.

Justice L. Ackermann ruled that members of the press holding identity cards "satisfactory to the prosecution" could report on evidence given by a state witness.

However, he excluded members of the public and ruled that the press could not reveal the identity of the witness.

Treason trial is postponed

By Sue Leeman

DELMAS — The Delmas Circuit Court yesterday ordered the State to furnish another set of further particulars about the charges facing the 22 Vaal Triangle treason trialists.

At the same time the trial was postponed to January 20.

None of the accused, who include leading members of the United Democratic Front, has yet been asked to plead to the charges of treason, subversion, terrorism, murder and furthering the aims of the ANC. Some of the men have been in jail for more than a year.

Mr Justice K van Dijkhorst ruled yesterday morning that in fairness to the accused, the State must supply further particulars in respect of seven of the 13 objections lodged against the indictment by the defence.

The judge said the defence still needed more clarity on matters such as the accuseds' alleged personal involvement with the ANC.

The State must also give more details on how it had inferred that the men had conspired to overthrow the State.

And more information was needed on the allegations that the accused had a common purpose to murder five people.

In addition to the 300-page indictment, the State has already given 200 pages of further particulars on the charges.

This week the State said it would add a charge of furthering the aims of the ANC.

ALL WOOL AND TREVIRA WOOL

TROUSERS

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TOP MAKES

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FOUNDED 1876 ★

SATURDAY, 1

Staff Reporter

TWO security police lieutenants yesterday escorted the Editor of the Cape Times, Mr Anthony Heard, past a picket by staff members with posters reading "Hands off our editor", "We demand a free press" and "Who's afraid to face facts?"

Lieutenant F Mostert and Lieutenant R Liebenberg came to the Cape Times building in Burg Street by arrangement with Mr Heard at 12.15pm to escort him to Cape Town Magistrate's Court where he appeared on charges of contravening the Internal Security Act.

Cape Times staff members decided on Thursday night to picket singly in shifts outside the front entrance to the building from 12 noon.

Police escort for Heard

The editor's appointment with security police was made later.

The picket was mounted in support of Mr Heard's decision to publish a full-page interview with African National Congress leader Mr Oliver Tambo, and in protest against the State's almost total ban on unrest coverage by local and foreign reporters, photographers and television crews.

The two security policemen emerged with Mr Heard from the Cape

Times building to be met by a barrage of press photographers and an Austrian television crew — all coincidentally there to record the picket.

Later yesterday afternoon, Mr Heard had the "unique experience" of being fingerprinted. He said he was "bowled over by the incredible interest displayed in the case right around the world".

Journalists at the Argus also picketed, for the second day running, outside the Argus offices in St George's Street, dis-

playing posters which read: "Give us back the right to publish", "Black-out: Journalists protest" and "Ungag the press".

At both pickets responses from the public were generally favourable, with very few negative reactions.

Police circled both pickets but did not intervene.

● A letter signed by virtually all members of the Cape Times editorial staff was sent to the Minister of Law and Order, Mr Louis le Grange, last night, urging him to withdraw charges against Mr Heard.

● Ian Hobbs reports from London that the police move against Mr Heard was given major prominence in reports throughout Britain and Europe yesterday.

Editor

THE Editor of the Heard, appeared before the magistrate's Court yesterday on charges of contravening the Internal Security Act.

He was charged under the Internal Security Act, quoting a banned or asked to plead.

The charge arises from the president of the African National Congress, Mr Oliver Tambo, published Monday.

Mr J Reebein, for the hearing be postponed until the investigation into the charges.

Mr Heard was ordered to the security police on purpose of taking him on warning.

The magistrate was represented by Mr Tim Mr Gordon Rushton of



The Editor of the Cape Times, Mr Anthony Heard (left), leaves the Cape Times building with security police lieutenants yesterday afternoon. Cape Times staff member Marianne Thamm looks on while taking part in the 2 1/2-hour picket of the newspaper in support of Mr Heard.

Police escort for Heard

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● Ian Hobbs reports from London that the police move against Mr Heard was given major prominence in reports throughout Britain and Europe yesterday.

Editor in court

THE Editor of the Cape Times, Mr Anthony Heard, appeared briefly in the Cape Town Magistrate's Court yesterday on charges under the Internal Security Act.

He was charged under section 56 (1) (p) of the Internal Security Act, which relates to allegedly quoting a banned or listed person. He was not asked to plead.

The charge arises out of a interview with the president of the African National Congress, Mr Oliver Tambo, published in the Cape Times on Monday.

Mr J Reebein, for the State, asked that the hearing be postponed to December 9 "for further investigation into the possibility of adding further charges".

Mr Heard was ordered to make himself available to the security police until 4.30pm "for the purpose of taking fingerprints". He was released on warning.

The magistrate was Mr J C Tolken. Mr Heard was represented by Mr Tim McIntosh, Mr Bob von Witt and Mr Gordon Rushton of Findlay and Tait.



the Cape Times, Mr Anthony Heard (left), leaves the Cape Times building with security police Lieutenant Frans Mostert noon. Cape Times staff member Marianne Thamm looks on while taking part in the 2½-hour picket by members of the newspaper in support of Mr Heard.

Cape Times Newscolour: Stewart Colman

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AREA: Wit
excluding

Witness tells of shooting

Own Correspondent

MARITZBURG — A police security officer told the Circuit Court at Estcourt yesterday that a bullet from a terrorist's rifle ricocheted off the front handgrip of his R-1 rifle, grazing three fingers of his left hand.

Captain Peter Frank Holloway, commanding officer of the Security Police at Josini, was giving evidence at the trial of 13 people appearing on various charges including terrorism; possession of arms and ammunition; that they were members, or active supporters of, the African National Congress; that they conspired with the ANC in acts of violence and incited people to commit acts of violence.

Captain Holloway told Mr Justice Wilson that he had interviewed an accused, Mr Norbert Buthelezi (23) of Mahlabafini, last December.

Mr Buthelezi took him, Lieutenant Wouter Basson, Warrant Officer Christo Pelser and others to Isihlangwini on the Zululand/Swaziland border.

Captain Holloway saw a person through the bush. "He fired at us and we returned the fire," he said.

"I noticed that my finger had been injured. We continued firing until we

lost sight of the figure in the thick bush from where he again opened fire.

"We kept up our fire until the shooting at us stopped.

"Warrant Officer Pelser then went after our attacker and found a dead man who was identified as 'Tonkie'."

Captain Holloway said they had left the body but when a party was sent to retrieve the body, it had disappeared.

Mr Wilfred Mapumulo (28), Mr Robert Dumiso (26), Mr James Marupeng (26), Mr Norbert Buthelezi and Mr Vuzumuzi Nyawo (30) have refused counsel and have refused to cross-examine the State witnesses.

PRISONERS OF WAR

They aver that they should be treated as prisoners of war and that the court did not have the jurisdiction to try them.

Mr Dumezweni Myeni (35), Mr Bafana Mafu (35), Mr Boy Myubu (39), Mrs Nkuhamba Nyawo (64), Mr Bhekizazi Mthethwa (31), Mr Amos Mafuleka (21), Mr Joel Makhunga (27), and Mr Mfinywani Bamali (41) have pleaded not guilty to the charges and are represented by counsel.

Proceeding.

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~~Cape Times 12/1/85~~
Reporter

in court

331
Court Reporter

ARGUS reporter Ms Pippa Green yesterday appeared in Cape Town Magistrate's Court in connection with a picket last week protesting against government restrictions on the press.

No charges were put but the charge sheet indicates that she may be charged under a municipal by-law.

The hearing was adjourned to December 3 and Ms Green was warned to appear.

Mr R Duraan was the magistrate. Mr L.S. Mollitt appeared for the State. Ms A Durbach represented Ms Green.

Lieutenant tells of shooting 'terrorist'

Own Correspondent
MARITZBURG. — A police lieutenant in the Special Task Force unit told the Supreme Court in Estcourt yesterday that on the day before Christmas last year he shot a "terrorist" in a pre-dawn operation in Ingwavuma.

Lieutenant Michael Frier, who is stationed in Pretoria, said this at the trial of 13 people, includ-

ing a 64-year-old woman, who are all allegedly members of the African National Congress and who allegedly incited people to commit acts of violence.

Lieutenant Frier said he and some other policemen had crept towards a cave in the Engwini district of Ingwavuma, Northern Zululand, about 2.30am, and told people inside to

come out.

A shot rang out and the police returned fire, Lieutenant Frier said. He fired his R1 rifle at a person near the cave whom he saw fall to the ground.

Later, police found a dead man with a handgrenade and a loaded 9mm Luger pistol, which was exhibited in court and which had the year "1939" stamped on its

barrel.

Inside the cave were found an AK47 rifle and ammunition, ANC and SA Communist Party publications, three sleeping bags and cooking and cleaning utensils.

Earlier, Mr Justice Wilson commended police for their "great restraint" when arresting one of the accused last year.

Lieutenant Wouter Basson of Ndumo told the court he dive-tackled Mr James Masupeng, 26, during a chase when the accused had taken out a handgrenade and was about to pull out its safety pin.

The policeman was at the time armed with a pistol and a 12-bore shotgun.

The trial continues today.

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ure of three education-
ists on Monday to re-
solve the critical state of
education in the West-
ern Cape, spokesmen
predicted that the gov-
ernment's presence of the
House of Representatives
military and police at

Charges withdrawn

AR645 13/11/85 Staff Reporter (331)

CHARGES of attending an illegal gathering against community worker Mr Johnny Issel, 34, and five others were today withdrawn in absentia in the Wynberg Magistrate's Court.

The others are Miss Cheryl Carolus, 22, of Claremont; Miss Zubeida Jaffer, 27, of Belgravia; Mr Mogamat Jeffie, 21, of Wynberg; Miss Hynd Solomon, 21, of Lotus River; and a 16-year-old Elsies River girl.

Yesterday Mr Issel was to have appeared with two others, Mr Leon Scott and Mr Andries Fourie, on charges of crimen injuria and resisting arrest.

2 ANC men ^{Star}convicted ^{3 31} of treason

Two members of the African National Congress were convicted in the Rand Supreme Court yesterday of treason, while a third man was acquitted of all charges.

Joseph Leepile (26) and Justice Ngidi (31) changed their pleas to guilty after originally pleading not guilty to treason.

Mr Sipho Ngwenya (34), originally accused of sabotaging a railway line between Bosmont and Newclare in 1983, was found not guilty of treason.

All three men were acquitted of charges under the Internal Security Act and the outdated Terrorism Act.

Leepile and Ngidi admitted being members of the ANC and receiving military training from the organisation.

The hearing continues today.



Dr. James Moroka . . .
ANC leader in 1949

Moroka 13/1/8 T (331) leader at start of resistance

While the African National Congress (ANC) is in the public eye, the death of a former president has passed almost unnoticed.

Dr James Moroka, who became ANC president in 1949, died on Friday at Thaba Nchu at the age of 95.

Dr Moroka took over the leadership of the ANC when the organisation was moving from constitutional methods of protest to mass non-violent resistance.

Dr Moroka was the great-grandson of Chief Moroka, the Batswana chief who helped Boer trekkers when they arrived at Thaba Nchu in 1833.

MEDICINE

He studied medicine in Edinburgh and Vienna, Austria.

Dr Moroka was the president-general of the ANC during the Defiance Campaign.

He succeeded Dr A B Xuma to the presidency of the organisation when the African Youth League was pushing for the adoption of the Programme of Action.

The radical Youth League wanted the organisation to launch positive action such as civil disobedience, strikes and boycotts in its fight against the South African Government.

The acceptance of the Programme of Action marked a move from peaceful constitutional participation to non-violent resistance and protest. The programme eventually culminated in the Defiance Campaign.

Dr Moroka lost the presidency after the marathon Rivonia Treason Trial. This was because at the trial he arranged for his defence separately from that of his co-accused, who included Nelson Mandela and Walter Sisulu.

COMMUNISM

In his plea in mitigation at the trial, he stressed his friendship with the Afrikaner community. He said he was totally opposed to communism, adding that throughout his career his aim had been to bring about harmonious relations between Europeans and non-Europeans.

He was succeeded to the presidency by Chief Albert Luthuli.

The funeral service will be held at Dr Moroka's farm, just outside Thaba Nchu, at 6.30 am on Saturday, followed by a service at St Paul's Methodist Church at 7 am.

President Lucas Mangope of Bophuthatswana and members of his Cabinet are scheduled to attend the funeral.

(331) R. Day 14/11/85

Top unionist barred from speaking overseas

A TRADE union leader invited to address international labour seminars and congresses overseas has been refused a passport several times.

Phillip Dlamini, secretary-general of the South African Black Municipal and Allied Workers' Union (Sabmawu) said he applied for a passport in July after an

SIPHO NGCOBO

invitation by American municipality employees.

A spokesman for the Directorate of Home Affairs confirmed that his applications were unsuccessful. He declined to give reasons.

In September Dlamini was in-

vited to address a labour seminar in London but was again refused a passport.

The same month he was invited to address the world annual congress of the Post Telecommunication and Telegraph International in Switzerland. Dlamini was also barred from attending labour meetings in West Germany and Venezuela.

Auctioneers form institute

LEADING Reef and Pretoria auctioneers met in Johannesburg this week to form the SA Institute of Auctioneers. One of its main aims will be to set standards of practice.

The institute also aims to be the auctioneering industry's voice in the media and at local and national level. It plans to introduce training programmes to improve the standard of professionalism.

A six-member steering committee was elected to draw up a code of ethics. — Sapa.

ANC is gaining 'acceptance'

By Estelle Trengove

331

The African National Congress is winning increasing acceptance and respectability in Western countries, an expert on international affairs testified in the Rand Supreme Court yesterday.

Professor Joan E. Elliott, the director general of the South African Institute of International Affairs, gave evidence in mitigation of sentence in the trial of Joseph Boitumelo Leenile (26) and Justice Mafa Ngidi (31), who were convicted of treason earlier this week.

In Western circles, the ANC was seen less and less as a terrorist organisation and more as a credible political organisation, he said.

GUERRILLA ORGANISATION

This was largely as a result of increased contact between the ANC and politicians, business leaders and, in some cases, heads of governments, he said.

Dr Tom Lodge, a senior lecturer in political studies at the University of the Witwatersrand, said the ANC should be classified as a guerilla organisation rather than a terrorist organisation. The difference was that guerilla organisations were aimed at gaining maximum popular support, instead of achieving its goals through inspiring terror and fear.

"The ANC is committed to revolutionary struggle and it has left behind the hope that its conception of political and social justice can be achieved without violence," he said in evidence.

Their guerilla warfare did not, however, seem aimed at killing or injuring civilians.

The hearing continues on Tuesday.

R3 000 bail for 5 accused

THREE men and two youths who allegedly caused damage totalling R1 million when the Bloch Centre in Kraaifontein was burnt down last month were yesterday granted bail of R3 000 each in Bellville Magistrate's Court.

Mr Jan Darries and Mr John van der Westhuizen, both 28, Mr David Williams, 19, and the youths, all of Scottsdale, were not asked to plead.

The case was postponed to November 22.
— Sapa

Sowetan 18/11/85

'Confessions' trial (331)

JUDGMENT on the validity of the "confessions" made by four of the five alleged Pan Africanist Congress (PAC) members appearing on charges under the Internal Security Act in the Benoni Regional Court will be passed today.

Appearing before Mr L Kotze in a trial-within-a-trial were Mr Jan Shoba (26) of Pretoria, Mr Mlandeli Morris Ketye (30) from Mdant-

sane, Mr Elby July (26) from Kimberley, Mr Michael Mosana Gqamana (23) from Port Elizabeth, and Mr Bonise Raymond Nkabinde (23) from Soweto.

They have pleaded not guilty to all charges.

The State alleges they recruited people for training in warfare and sabotage. They also allegedly supplied weapons and equipment to people.

Treason trial told of Maseru strike

MARITZBURG — A document found in an alleged African National Congress base during a pre-emptive strike in Maseru in December 1982 referred to one of the 16 United Democratic Front treason trialists, the State alleged yesterday.

The Pietermaritzburg Supreme Court heard from Colonel Jacobus Buchner of the South African Police that the South African Allied Workers Union document was signed "Yours comradely, T (or Y) Gqweta".

The court also heard from a man who may be named only as Mr O'Brien that four men were killed in one of the houses his Defence Force group attacked on the night of December 8-9 but two women were released.

Mr O'Brien, who said his group seized all the documents and cassettes they could find in the house and took photographs of the dead men for identification, told Mr Justice A J Milne that they did not find any weapons.

Colonel Buchner and Mr O'Brien gave evidence for the State in the trial of the 16 who are also facing two alternative charges of terrorism and of furthering the aims of a banned organisation.

Colonel Buchner, a member of the Security Branch in Pretoria specialising in investigations involving the African National Congress (ANC) and the South African Communist Party, said Lesotho was an ANC springboard and, in 1982, the ANC High Command was accommodated in houses in Maseru.

Colonel Buchner said the ANC and the South African Congress of Trade Unions (Sactu) operated from the houses in Maseru and the staff of Sactu frequently met there with South African trade unions and distributed trade union literature from there.

He also said ANC recruits were given crash courses in Lesotho, including limited training in the use of AK-47 rifles, sub-machine-guns, limpet mines and sabotage techniques.

Colonel Buchner said that some of the ANC documents seized during the raid contained photographs of, and instructions to kill, former members of the ANC who later worked for South Africa and who testified for the State in trials.

Two weapons were found in a second house during the strike.

The hearing continues. — Sapa.

UDF man ^{Carl Tint} 'named in ANC paper' 331

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The College Road Supreme Court heard from police Colonel Jacobus Buchner that the South African Allied Workers' Union document was signed "Yours comradely, T (or Y) Gqweta".

The court also heard from a man who may be named only as Mr O'Brien that four men were killed in one of the houses his Defence Force group attacked on the night of December 8-9, but two women survivors were released.

Mr O'Brien, who said they seized all the documents and cassettes they could find in the house and took photographs of the dead men for identification, told Mr Justice A J Milne they did not find any weapons.

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Colonel Buchner, a member of the security branch in Pretoria who specializes in investigations involving the ANC and the South African Communist Party, said Lesotho was a springboard for the ANC and in 1982, the ANC High Command had been accommodated in Maseru.

The command in 1982 comprised the military high command of Umkhonto We Sizwe, the political high command of the ANC and the upper command of trade unions, the South African Congress of Trade Unions.

He said the ANC and Sactu operated from the houses in Maseru and the staff of Sactu frequently met there with trade unions in South Africa and distributed trade union literature from there.

Colonel Buchner said some of the ANC documents seized during the raid contained photographs of, and instructions to kill, former members of the ANC who later worked for South Africa and who testify for the State.

Two weapons were found in a second house that was raided. — Sapa

Maseru raid on ANC described in treason trial

19/11/85 (331) Mercury

Pietermaritzburg Bureau

AN SADF soldier gave details in the treason trial of 16 UDF and trade union leaders here yesterday of an attack on a 'civilian' residence in Maseru in 1982, where four men were 'eliminated' and documents in the house seized.

One of the captured documents allegedly referred to one of the 16, whom the State did not name.

A man, who can only be identified as O'Brien, said in his evidence for the State that he had taken photographs of the dead men with a Kodak Instamatic while on a pre-emptive strike into Maseru on December 8 and 9, 1982.

He said no firearms were found after he and his group had 'eliminated' four men and released two African women.

Documents which were found on bookshelves and 'scattered around' the house were put into plastic bags and handed over to a Col Buchner who was waiting on the South African side of the border after the raid, Mr O'Brien said.

Mr Andre Oberholzer, for the State, said one of the documents seized by O'Brien was a South African Allied Workers' Union document which referred to one of the accused.

Col Jacobus Buchner of the security police con-

firmed Mr Oberholzer's observation and handed in to the Court a SAAWU document, dated May 1981 and signed 'Yours Comaradly/Gqweta' with the initials 'T' or 'Y'.

At the start of the trial, Mr Nic Gey van Pittius SC, for the State, handed to the Court a second affidavit from the Minister of Defence clarifying what could be revealed about the SADF raid into Maseru.

The State also handed in 33 tape recordings of meetings, with transcripts, and 925 other documents, totalling about 6 000 pages, which were allegedly found in the offices of certain organisations and their officials.

Mr Gey van Pittius said during the two-week adjournment this month he had not been able to reach agreement with the defence concerning video recordings of various political meetings in which some of the accused were involved.

Springboard

Mr Oberholzer said the more than 30 documents seized by two of the units which participated in the Maseru raid were presented to the Court to show a basis for attacking the houses which were bases or houses of the ANC.

Col Buchner, who described himself as an 'interrogator of terrorists' and who specialised in investigating the African National Congress and the Pan African Congress,

said he had briefed those involved in the raid on what to do.

He said that among of the equipment issued to the men who participated in the Maseru raid in December 1982 had been cameras and plastic bags.

Their orders were to put documents or publications of 'evidential value' into plastic bags and return with them.

'Traitors'

Col Buchner said at the time the ANC's military, political and trade union 'high commands' were operating from houses in Maseru.

'We had irrevocably proved that Lesotho was an ANC springboard into South Africa. I am aware crash courses had been offered for groups recruited by the ANC.'

The courses gave limited training in the use of AK47 rifles, the Petersen SHE sub-machinegun,

limpet mines and limited training in sabotage techniques, said Col Buchner.

He said some of the ANC literature from Lesotho included pamphlets concerning 'traitors'. The pamphlets contained photographs of ex-members of the ANC who now work for the State and who have already appeared in court cases for the State.

'The call is made that they be killed,' Col Buchner said.

The hearing was adjourned after the defence said a tape recording cassette found during the raid could not be handed in as evidence according to an affidavit from the Minister of Defence.

Mr Ima Mahomed, SC, said even if the tape recording was handed in there would still be the problem of admissibility of documents found during the raid.

The trial continues today.

Ban on fishing from two new Durban piers

Municipal Reporter

THE banning of fishing from the new piers on the North Beach and Bay of Plenty was approved by the Durban City Council yesterday.

The council will now ask the Administrator of Natal to promulgate the amendment of the relevant beach bylaws in the Provincial Gazette.

In August this year, after protests from fishermen about the proposed bans, the council approved a six-month trial period allowing fishing from the Bay of Plenty pier from 7 p.m. to 5.30 a.m.

Mr Errol Scarr, director of the Parks, Recreation and Beaches Department, said yesterday that in February the council will decide whether to allow night fishing permanently or completely ban fishing on the pier.

ANC worked from Lesotho, trial told

THE ANC command structure had been accommodated in houses in Maseru in 1982, the Supreme Court treason trial was told in Maritzburg yesterday by Security Branch Col Jacobus Buchner.

He said the structure comprised the military high command of the Umkhonto we Sizwe, the political high command and the trade union upper command, the SA Congress of Trade Unions. Both SACTU and the ANC operated from houses in Maseru.

Col Buchner said that crash courses were being given to people recruited by the ANC in Lesotho. This training included instructions in some arms, as well as limited training in sabotage techniques.

He said that ANC pamphlets contained photographs of, and instructions to kill, former members of the ANC who later worked for the SA State and testified for the State.

A member of the Defence Force who testified in camera said that he had taken part in a pre-emptive strike on December 8, 1982. He was told to attack a civilian house and four males were "eliminated" and two females were released.

He said that he collected documents and pamphlets which were found in their house. Some of them were of ANC origin.

Before the court are Mawalan Ramgobin, 52; Chanderdo Sewpersahd, 43; M J Naidoo, 53; Dr Essop Essack Jassat, 52; Aubrey Mokoena, 52; Curtis Nkondo, 56; Archie Gumede, 70; Paul David, 40; Albertina Sisulu, 66; the Rev Frank Chikane, 34; Cassim Saloojee, 49; Ismail Mohammed, 54; and four members of the SA Allied Worker's Union: Sisa Njikelana, 29; Sam Kikine, 36; Isaac Ngcobo, 36, and Thozamile Gqweta.

A document recovered in the pre-emptive strike in Maseru in December 1981 had been signed: "Yours comradely, T or Y Gqweta", Col Buchner said.

The trial continues. — Sapa.

Treason trial (231) witness saw recalls day of horror 20/11/85

By Jennifer Tennant

The traumatic events of June 16 1976 were recalled in the Rand Supreme Court yesterday by an expert witness called to give mitigating evidence in a treason trial.

Professor Brunhilde Helm, a sociologist and social worker connected to the University of Cape Town and the University of Bophuthatswana, spoke of the effect of crisis situations on communities and individuals. "The events which took place in Soweto in 1976 constitute such a situation."

She was giving evidence in the trial of Joseph Boitumelo Leepile (26) and Justice Mafa Ngidi (31), convicted of treason last week.

Professor Helm held interviews with the two men and told the court of their reactions to the events in 1976, before they left South Africa for Swaziland.

SYMPTOMS

She said the two men showed symptoms found to exist after a crisis.

Leepile was 17 when he left the country in September 1976. Professor Helm described Leepile's friendship with Hastings Ndlovu, with whose family he lived until he was 13.

The emotional effect on Leepile of the death of Hastings Ndlovu, who was shot on June 16, was described as "a nightmare period when he was unable to eat, sleep or talk about it".

During that time, two other children Leepile knew died, said Professor Helm.

"Leepile wanted to go anywhere to get away from the horror," she said.

The professor also described the circumstances Ngidi faced before leaving the country at the age of 22.

The hearing continues.

Mr L.W.H. Ackermann was on the Bench. Mr I.G. Farlam SC, assisted by Mr E. Cameron, appeared for Mr Leepile and Mr Ngidi. Mr C.B. Ferreira, assisted by Miss B.L. Treurnicht, appeared for the State.

CAP Tmt 5
20/11/85
331

Closed treason hearing wanted

Own Correspondent

MARITZBURG. — The State yesterday applied for the press and public to be excluded from hearing certain evidence in the treason trial of 16 UDF and trade union leaders.

Mr Andre Oberholzer, for the State, said he wanted to apply for an in camera hearing of the testimony of some witnesses to protect their identity and guarantee their safety.

At the start of argument, Mr Justice Milne, Judge President of Natal, said the Internal Security Act obliged him to hear the application behind closed doors and asked the press and public to leave.

'Strike'

This followed a soldier's evidence, also given in camera but where the press was conditionally allowed to remain, about a "pre-emptive strike" against civilian houses in Maseru, Lesotho, in 1982, where women and children were kept out of the line of fire "as far as possible" and documents were captured.

Mr Justice Milne yesterday ruled that the documents, which were handed in to the court as part of the State's evidence, be returned as the State had not yet proved that they were admissible as evidence.

He also ruled that a tape recording found during the attack was not admissible as evidence according to an affidavit by the Minister of Defence limiting what could be revealed about the raid.

'Innocent'

Under cross-examination by Mr Ismail Mahomed, SC, for the defence, the soldier said he was aware of the widespread reaction in South Africa against the raid and the impression that innocent people had been killed.

Mr Mahomed said he wanted to show that there had been widespread reaction to the raid which had been considered "unnecessary and unjust".

He said this was linked to part of the State's case which dealt with some of his clients being involved in a memorial service where sympathy was expressed for the victims of the raid.

The trial continues today.

AMC THIS 20/11/85

331

1976 experiences led to trauma, court told

JOHANNESBURG. — The experiences of two young men in Soweto in 1976 led to a trauma that inhibited clear-headed judgement, the Rand Supreme Court heard yesterday.

Professor B Helm was giving evidence in mitigation before Mr Justice L W H Ackermann at the trial of Joseph Leepile and Justice Ngidi. Both have been convicted of treason.

Leepile was 17 in 1976. The son of the family with whom he stayed, Hastings, was "like a brother to him", she said.

Leepile and Hastings were in a group of students when the police opened fire and it was several hours before Leepile discovered Hastings had been killed.

He was totally overcome by the sight of so many bodies when he visited the

mortuary, Professor Helm said.

At Hastings's funeral, the school principal asked Leepile, as the best pupil in his class, to get the others to return to write exams. He did this despite the opposition of a girl in his class.

On the day they returned to school, a student named Patrick was killed when police opened fire. Leepile's classmates blamed him for the death because he had urged them to return to school.

The girl who opposed the return was arrested and her parents asked Leepile not to try to get classes restarted. The girl later died in detention, the court was told.

"Leepile was in absolute despair," she said, and at this point a man named

Joe suggested he flee to Swaziland.

Professor Helm outlined the severe financial difficulties Ngidi experienced when he completed his matric at the end of 1975.

By June 1976 he had still not found a job. A friend offered to ask his employers for a job, but was killed before he could do so. A tentative offer to coach biology also came to nothing.

On June 18 a neighbour's child was shot in police fire on the same day Ngidi learnt of his friend's death. Ngidi had also met Joe who arranged that he left for Swaziland with a group of other young people.

Professor Helm said the trauma these two young men suffered made it difficult for them to make clear-headed judgements.

"They were particularly susceptible

to psychological manipulation."

Their present feelings about the ANC, to whom they were sent, were now quite unambiguous, she said.

"They feel disillusioned and let down and are strongly motivated to stop living in exile."

Had they known what they know today they would never have gone, she said.

Both were of above-average intelligence and considering the deprived circumstances they had experienced, their past achievements were good.

She said Justice Ngidi still hoped one day to wear a graduate gown, as his father had done. Ngidi's father had had a BSc degree, but he died when Ngidi was five years old.

The trial continues. — Sapa

1976 experiences led to trauma, court told

CHICAGO TRIBUNE 20/11/85 331

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The trial continues. — Sapa

WITNESS tells 20/11/82 court of Maseru raid

MARITZBURG — Two men who were "eliminated" when their house was invaded in search of documents during a strike against alleged ANC bases in Maseru in December 1982, had resisted the South African invaders and fought back with firearms.

This was the evidence of a "Mr Heyns" — a State witness who was involved in the pre-emptive strike — at the treason trial of 16 United Democratic Front and trade union leaders in Maritzburg yesterday.

Some of the documents seized during the raid were handed in as evidence at the trial, but after objections by the defence Mr Justice A J Milne returned the papers until further evidence was heard.

Mr Heyns, whose evidence was given in camera, said his target was a residential house but when they entered the premises they "met with fire".

'INNOCENT KILLED'

Mr Heyns said there were women and children at their target, "but we tried, as far as possible, to keep them out of the line of fire". Some innocent people had been killed, he admitted.

Two firearms, a machine pistol and an AK47 rifle, were found in the main bedroom of the house near the bodies.

Both weapons were used as exhibits in court.

The defence said to date there had been no evidence that the houses in which the documents were found were occupied by ANC members.

The State argued that the objections were premature because it would still prove the houses were used as ANC bases.

Mr Justice Milne also ruled that a tape recording found during the raid on the alleged ANC bases was inadmissible as evidence in terms of a prohibition by the Minister of Defence.

The hearing continues.

— Sana

Closed ^{21/10/85} ^{CA & T 15} hearing? ³⁴

Own Correspondent

MARITZBURG. — A ruling on an application by the State to bar the press and public from hearing certain evidence in the treason trial here is expected tomorrow.

The whole of yesterday was taken up with argument held behind closed doors in compliance with the Internal Security Act.

Mr Andre Oberholzer, for the State, said on Tuesday that he wanted an in-camera hearing to protect the identities of certain witnesses.

The 16 UDF and South African Allied Workers' Union leaders were arrested in December 1984 and January 1985 and charged with treason for allegedly conspiring with the ANC-led "revolutionary alliance" to overthrow the government with violence between 1980 and 1985.

After a long legal battle the 16, who include four attorneys, a professor of mathematics at the University of the Witwatersrand, a medical doctor and an insurance broker, were granted bail totalling R170 000 in May.

Last day in a forgotten treason trial

WEEKLY MAIL, November 15 to November 21, 1985

JOSEPH LEEPILE and Justice Ngidi will be sentenced for treason today, their conviction in Johannesburg having passed virtually unnoticed earlier in the week.

So, too, did the acquittal in the same trial of Sipho Ngwenya, who was alleged to have been responsible for the explosion on the Newclare-Bosmont railway line on the night of the 1983 referendum for whites on the tri-racial constitution.

Treason has become commonplace in South Africa: the trials of men and women charged with treason hardly merit media attention any longer. PATRICK LAURENCE looks at some of the trials in progress.

While not conceding the State charge that they were on a military mission for the outlawed African

National Congress, they pleaded guilty to being members of the ANC, to having received military training and to have participated in ANC military activities in Mozambique.

The trial before Justice Laurie Ackermann contained elements of pathos and drama.

Before his conviction Ngidi obtained special permission to marry Marilla Nhlabastie, who was arrested while she was pregnant with his child.

↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
Their baby was born last December while Marilla was in detention.

Another factor underlining the interest of the trial was the refusal of two people to give evidence for the state: Sylvia Mabena, a foster mother of one of the accused, and Duma Nkosi, a leading trade unionist.

They were sentenced to jail for 12 and nine months respectively. They were given permission to appeal and granted bail for R10 each pending the appeal. The small amount of bail is interpreted by observers as evidence that the judge was not unsympathetic to their plight.

There was one further twist in the saga surrounding the trial of the trio. Ngidi was alleged to have escaped while in police custody.

According to the State, his handcuffs were not put on properly when he was in a police vehicle and he managed to grab a pistol which his police guard carelessly left behind the driver's seat.

Council for defence, however, contended that it was a "collusive escape" in which the police assisted.

Evidence extracted in cross-examination by the defence pointed to Ngidi as an "escaped prisoner" on a police mission to kill the Swaziland-based ANC commander of the "Transvaal machinery," a man identified as Gebuza.

But, according to evidence obtained in cross-examination, when Ngidi reached Swaziland the ANC refused to believe that he had escaped and tried to kill him — forcing him to flee back to South Africa, where he was arrested and charged with treason.

The judge did not make a ruling as to whether Ngidi's escape was genuine or simulated.

The completion of the trial of Leepile, 27, Ngidi, 31, and Ngwenga means that three treason trials are still pending: those of five men due to appear in Johannesburg next March, the trial of the 16 United Democratic Front leaders in Pietermaritzburg and the trial of 22 men, including top UDF leaders, in Delmas.

The trial of the 22 has been marked by their five-month-long unsuccessful quest for bail in the Pretoria Magistrate's Court and Transvaal Supreme Court and by the decision of the Delmas trial judge, Justice Vandijkhorst, to agree to a State request to add a further charge to the indictment.

Already faced with charges of treason, terrorism, subversion and murder, the 22 are now confronted with an extra charge of furthering the aims of the ANC.

The judge, however, upheld part of a defence request for further particulars and the trial was postponed to January 20 next year.

From

State asks for secret hearing in treason trial

MARITZBURG — A decision on an application by the State to bar the Press and public from hearing certain evidence in the treason trial here is expected to be delivered on Friday.

The whole of today's proceedings was taken up with legal argument held behind closed doors in compliance with the Internal Security Act.

Mr Andre Oberholzer, for the State, said he wanted to apply for an in-camera hearing to protect the identity of certain witnesses.

The 16 United Democratic Front and South African Allied Workers' Union leaders were arrested in December 1984 and January 1985 and charged with treason for allegedly conspiring with the ANC-led Revolutionary Alliance to overthrow the Government with violence between 1980 and 1985.

The 16, who include four attorneys, a professor of mathematics at the Uni-

versity of the Witwatersrand, a doctor and an insurance broker, were granted bail totalling R170 000 in May.

The bail conditions forbid any of the 16 to engage in political activity or leave their magisterial districts without permission for the duration of the trial, expected to last 18 months.

CONDITIONS

The accused are: Mr Mewa Ramgobin (52), Mr George Sewpershad (43), Mr Moorogih Naidoo (53), Dr Essop Jassat (53), Mr Dundube Mokoena (37), Mr Curtis Nkondo (56), Mr Archie Gumede (70), Mr Paul David (40), Mrs Albertina Sisulu (67), the Rev Frank Chikane (34), Mr Cassim Saloojee (49), Professor Ismail Mohamed (54), Mr Thozamile Richard Gqweta (33), Mr Sisa Njikalani (29), Mr Samuel Kikine (36) and Mr Duze Ngcobo (36). — Sapa.

'ANC nest in the King's parlour!'

331
C. Per
24/11/85

KING Goodwill Zwelithini, his former chauffeur and his chief induna live in two different worlds politically.

While King Zwelithini this week attacked the African National Congress for "rejecting the Zulus" in the liberation struggle, an Eshowe magistrate jailed his chauffeur Mzamo Cornelius Zulu for nine years for ANC activities. Four years of the sentence were suspended for five years.

King Zwelithini made his attack at the prolonged Shaka Day celebrations at Zawe outside Eshowe.

Zulu is a State witness against Chief Induna Shaulza Malinga Zondo and co-accused Khathazile Maphumulo, all of Nongoma - the king's headquarters.

They pleaded not guilty to various charges under the Internal Security Act, including harbouring and assisting ANC guerillas.

Zulu told the court he was "fired" by Chief Gatsha Buthelezi after "a misunderstanding" while working as King Zwelithini's chauffeur from 1976 to 1979.

The king then arranged for him to work in Swaziland, where he met ANC members who asked him join them and recruit members in SA for training.

"I found myself unable to accept the offer for a long time, but later agreed to find accommodation for ANC members in Nongoma," he said.

Zulu said he was not an ANC member, but he became an ANC sympathiser after he

By SIBUSISO MNGADI

learnt about forced removals, and when he read about Saul Mkhize's killing in Driefontein.

The court also heard he transported armed ANC guerillas Themba Zondi, Mpumelo Mbatha and another alleged ANC member Albert Zondi, who all died in a shoot-out with security cops at Mrs Maphumulo's kraal on January 14. A security cop was also killed at the scene.

The case against Mr Zondo and Mrs Maphumulo continues.

Meanwhile, King Zwelithini said at the celebration the ANC would be made irrelevant by history if "they think they can liberate South Africa without the Zulus".

He said the ANC mission in exile thought it could strip them of their "Zuluness" and strength to make them surrogates in the pursuit of the ANC's political ambitions.

Press may not identify witness

Pietermaritzburg
Bureau

REPORTERS were told in chambers here yesterday that they would not be able to mention the gender of a State witness for fear of jeopardising the person's safety.

The injunction came after two days of legal argument about barring the

Press and public from hearing certain evidence in the treason trial.

Mr Justice Milne, Judge President of Natal, took the unusual step of briefing the Press in his chambers on what they could expect in his judgment on Monday, to find out if there were any practical problems envis-

aged by reporters if they were allowed to attend an in-camera hearing on certain conditions.

In the presence of Mr Ismail Mohamed SC, for the defence, and Mr Nic Gey van Pittius SC, for the State, the judge said that to ensure the safety of a certain State witness, the Press would not be allowed to identify the person in any way.

This included a prohibition of making any references to the sex of the witness.

The Court would also indicate parts of the evidence which were not to be reported, if the testimony included references to certain places and times which could be used to identify the witness, Mr Justice Milne said.

Reporters from Durban and Pietermaritzburg newspapers said similar conditions had been imposed on the Press before and no major practical difficulties had been encountered then.

Mr Andre Oberholzer, for the State, had submitted an application for

certain evidence to be heard in camera on Tuesday. This had been followed by legal argument until yesterday.

Judgment on the application is expected to be given on Monday and will be behind close doors in compliance with the Internal Security Act.

The 16 UDF and trade union leaders, who have pleaded not guilty to committing treason by allegedly conspiring with the ANC-led Revolutionary Alliance to violently overthrow the Government, were in court for less than an hour yesterday before the Court recessed and finally adjourned for the day about two-and-a-half hours later.

March charges withdrawn

AR 62 25/10/83 Staff Reporter 33

CHARGES against 48 people in connection with the attempted march to Pollsmoor Prison on August 28 were withdrawn in the Wynberg Magistrate's Court today.

The 48, who appeared in three separate cases, were charged with attending an illegal gathering.

They included Professor Charles Villa-Vicencio, professor of theology at the University of Cape Town, and the Rev Abel Hendricks, former head of the Methodist Church.

Appearing with Professor Villa-Vicencio, 43, were Dr Alan Brews, Miss Vivienne McMenamin, 21, Dr Robert Borland, 39, Mr Nicolas Boraie, 25, Mrs Mary Burton, 45, and Dr Caroline White, 44.

The Rev David Russett, 47, appeared with 28 others, including four juveniles.

They were Mr Faizel Moosa, 22, Mr

Gavin Michaels, 20, the Rev Trevor Engel, 36, the Rev Peter Oberholzer, 35, the Rev Christopher Arends, 30, the Rev Shumugam Govender, 36, Mr Michael Weder, 28, Sister Mary Feregat, 52, the Rev Per Svenson, 32, Miss Deborah Patta, 21, Sister Aine Hardiman, 57, Mr Jan Thvse, 40, Mr Kandali Rossouw, 30, Mr Frederick Stripp, 35, Sheikh Abdul Hammed Gabier, 50, Mr Rodney Whiteman, 25, Mr Reduwaan Mohamed, 19, Mr Victor Jones, 21, Mr Wrongcliff Christoff, 33, Mr Abouranman Khan, 26, Mr Steven du Gruchy, 24, Mr David Kalipha, 25, Mr Malusi Mpamkoane, 24 and Mr Vivian Petersen, 25.

Mr Hendricks appeared with Dr Richard Stevens, 41, Mr Charles Martin, 26, Mr Sammy Frans, 25, Mr Omar Abrahams, 39, Mr Mari Leander, 19, Mr Abrahams Braai, 25, the Rev Robin Petersen, 28, Mr Peter Martin Mentoor, 28, Mr Charles Williams, 29, Mr Edwin Attson, 21, and Mr Maxwell Malan, 27.



Four-year-old Lara Groeneveldt of Constantia chats to Father Christmas, who put in an early appearance at the Constantia shopping village on Saturday. She told him she wanted an organ for Christmas.

Cape Times 25/11/88
UCT 17: Case withdrawn

Court Reporter

THE State has decided not to prosecute 17 UCT students who were detained for more than a week earlier this month after allegedly participating in a demonstration on De Waal Drive against the state of emergency.

They are Ms Sarah Fullard, Mr Peter Fine, Mr Clive Bester, Mr Matthew Slaven, Mr David Sheldon, Mr Donald Skinner, Ms Belinda Barries, Ms Lauren Muller, Ms Jane van der Riet, Ms Dorothy Dyer, Ms Margaret Orford, Mr Slobbar Needham, Ms Kim Westenbury, Ms

Sandra Liebenberg, Ms Jennifer Butler, Mr Samuel Mado and Ms Anne-lize Bosman.

Prosecution was stopped in absentia and no reasons were given for the withdrawal.

Mr J C Coetzee was the magistrate. Ms N Nel prosecuted.

Crack of dawn



Ja, a 9mm calibre isn't big enough. We need a 15mm."

BUSINESS BRIEF

old (close) ... \$330,50
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w Jones ... 1456,65

Business
Report,
pages 21,
22, 23, 24

Christmas

Improved diplomat, she live in England, but I my training in South summer in South it's easier to train

she stay with?

my own now. I share a friend. Me and my very close. Me and my nothing to do with anymore."



Zola Budd

Funeral march charge dropped

PRETORIA. — The State will not continue the prosecution of United Democratic Front patron Dr Allan Boesak and 18 others arrested earlier this year when they defied a police order not to enter Guguletu to attend the funeral of an unrest victim.

In a statement issued through the Department of Justice here last night, the Attorney-General of the Cape, Mr Neil Rossouw, said he had decided not to prosecute them. They had been informed that charges had already been withdrawn and that they did not have to appear in court.

Dr Boesak, president of the World Alliance of Reformed Churches, and the others were arrested outside Guguletu on August 10 when he and a group of clergymen linked arms and walked

through a police road-block in defiance of a proclamation by the Minister of Law and Order, Mr Louis le Grange, prohibiting them from entering the township.

Dr Boesak and the clergymen with him had been invited to officiate at the funeral of 17-year-old Sithembele Mathiso, who was killed by a police rubber bullet fired during a riot on July 29.

Permission

Dr Boesak and the others appeared in the Wynberg Magistrate's Court on August 10. No charges were put although it was said they would be charged in terms of the Black Urban Areas Consolidation Act, of 1945.

They were released on bail of R100 each and warned to appear at a later date.

Besides Dr Boesak, the others are: Mr Ebrahim Rasool, 23, regional secretary of the UDF, Muslim cleric Imam Hassan Solomons, 43, Moulana Faried Esack, 28, Mr Lionel Louw, 35, Mr Robin Petersen, 26, Mr Gottfried Kraatz, 44, Mr Per Svensen, 32, Mr Benjamin Hoorn, 30, Mr Charles Martin, 26, Mr Peter Scap, 23, Mr Peter Martin Mentoor 27, Miss Debbie Levitt, 20, Mr Charles Rudgard Kent, 22, Mr Eckart Schlotfeldt 23, Mr Ashrock Mohammed, 21, Mr Willem Boesak, 37, Mr Andrew Brown, 18, and Mr Cyril Afrika 26. — Sapa

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|-----|-------------|-------|--------------|----|--|
| 24 | Racing | 8 | TV | 2 | The Facts correction service, 24-2233 (Mon to Fri) Cape Times, Box 11, Cape Town. (Registered at the GPO as a newspaper.) |
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NOT TITLES
26/11/85

331

'Rank-and-file' ANC men jailed for treason

JOHANNESBURG. — Two men who admitted being members of the African National Congress (ANC) and undergoing military training abroad were given effective sentences of three and four years' imprisonment by a Rand Supreme Court judge on Friday.

Sentences for treason range from a fine to the death penalty, Mr Justice L W H Ackermann said. He found Joseph Boitumelo Leepile (26) and Justice Mafa Ngidi (31) were "rank-and-file" members of the ANC, whose treasonable acts were not committed inside the Republic.

The judge said he had to weigh the interest of society against the factors mitigating in favour of both accused.

The two men ceased to be part of the ANC in May last year — almost a year before the ANC "took its decision to go for soft targets".

The judge said people who were tempted to join the organization now knowing the targets included civilians, would have to receive heavier sentences than the accused.

Leepile's sentence was lighter than Ngidi's because he was only 17 in June 1976 compared with Ngidi, who was 20.

He had suffered greater lack of stability in his home life (he was abandoned as a child and brought up by two families) and suffered greater trauma during the 1976 unrest.

The court heard that Leepile's close friend was the second person to be

shot by police on June 16, 1976 and his death deeply disturbed Leepile. Another student was killed soon afterwards.

At the time Leepile, who was the head student in his class, was not a member of a political body and was not taking any active part in the unrest.

The judge accepted the conclusions of Professor B Helm, of UCT who had made a special study of the events of 1976. She compared it to disasters like the Laingsberg flood and the collapse of a slag heap on the Welsh village school at Aberfan.

The judge sentenced Leepile to six years and Ngidi to eight years with half the sentence suspended in each case.

The suspended sentences were an inducement to rehabilitation and because of mitigating factors, he said.

The judge said both men have good prospects for rehabilitation because they have innate intelligence and personality, are not revolutionary and had not previously broken the law.

Considering their backgrounds, their past achievements in South Africa were to be commended. They left, not with hostile intent, but to further their education and became victims of ANC indoctrination, the judge said.

He also took into account they had worked actively for the ANC for several years.

'March' prosecution stopped

CME Times 26/11/85
Court Reporter

THE State yesterday stopped prosecution against 48 people who were arrested after police prevented three marches on Pollsmoor prison in August this year to demand the release of Mr Nelson Mandela.

The 48 appeared in three separate hearings at the Wynberg Magistrate's Court yesterday.

Those arrested in Kromboom Road, Athlone, were the Rev David Russel, 40, Sheikh Abdul Hamied Gabier, 50, president of the Muslim Judicial Council, Mr Gavin Michaels, 20, Mr Faizel Moosa, 22, the Rev Trevor Encel, 30, the Rev Peter Oberholzer, 35, the Rev Christopher Arendse, 30, the Rev Shun Govender, 36, secretary of the Beleidingde Kring of the NG Sendingkerk, Mr Michael Wider, 28, Sister Mary Fergal, 52, the

Rev Per Svenson, 32, Miss Deborah Patta, 21, Sister Anne Hardiman, 21, Mr Jan Thyse, 40, Mr Randall Rossouw, 30, Mr Frederick Stripp, 34, Mr Rodney Whiteman, 25, Mr Redwaan Mohammed, 19, Mr Victor Jones, 25, Mr Wrongcliff Chrishoff, 33, Mr Abdulahman Khan, 26, Mr Stephen De Gruchy, 24, Mr David Kalipha, 25, Mr Malusi Mpamkoana, 24, Mr Vivian Petersen, and four juveniles.

Those arrested near the Athlone stadium were the Rev Abel Hendricks, former head of the Methodist church, Dr Richard Stevens, 42, Mr Charles Martin, 26, Mr Sammy Frans, 25, Mr Omar Abrahams, 39, the Rev Robin Petersen, 28, Mr Mark Leander, 19, Mr Peter Martin Mentor, 23, Mr Abrahams Braaf, 25, Mr Charles Williams, 29, Mr Edwin Arrison, Mr Maxwell Malawa, 27.

Those arrested at Tokai were Professor Charles Vila-Vicencio, professor of theology at UCT, Mrs Mary Burton, Black Sash chairperson, the Rev Alan Brews, Dr Robert Borland, Mr Nic Boraine, Miss Vivienne McMennamin and Dr Caroline White.

Mr J G Beelders was the magistrate in all the hearings. Mrs M Wilson appeared for the State in all three hearings. Mr M Parker of E Moosa and Associates appeared for all the people.

UDF motorcade: 33/
CAAT Times 26/11/83
Bid for appeal fails

Supreme Court Reporter

AN APPLICATION for leave to appeal by Mr M Abrahams and 25 others convicted of attending an illegal gathering while in a convoy of cars, failed in the Supreme Court yesterday.

They were convicted last year of contravening the Internal Security Act on October 29, 1983, by driving in cars festooned with UDF posters advertising a "people's weekend".

Mr S Desai, for the applicants, said he would not argue on the validity of the proclamation in terms of which the convictions were made.

A full bench of the Transvaal Division of the Supreme Court had set the proclamation aside, and it was now before the Appellate Division, he said.

He said that the applicants should have been acquitted as they had shown circumspection by consulting an attorney beforehand and had acted on his advice.

A motorcade could not be regarded as an assembly of persons as defined by the Internal Security Act.

Mr Justice A J Lategan said these points had been dealt with fully in his judgment, and he was not of the opinion that another reasonable court might differ.

There was no reasonable prospect of success, so the application was refused. Mr Justice H A van Heerden concurred.

Mr S Desai, instructed by Bernadt, Vukic and Potash, appeared for Mr Abrahams and the 25. Mr D van Niekerk, instructed by the office of the State Attorney, appeared for the State.

Terrorism trial NM 27/11/85 verdict next week

Pietermaritzburg Bureau (33)

JUDGMENT is expected to be given in Estcourt next week at the trial of 12 men and a woman who are charged in connection with arms caches found in caves in the Ingwavuma district last year.

Legal argument starts on Monday.

Nine of the accused have pleaded not guilty before Mr Justice Wilson to charges of terrorism and alternative charges of contravening the Arms and Ammunitions Act.

Four other accused refused to participate in their trial for political reasons.

The accused are Norbert Buthelezi, 23, Wilfred Mapumulo, 28, Robert Dumisa, 26, James Marupeng, 26, Bhekizazai Mthelhuva, 31, Vusumuzi Nyawo, 30, Amos Mafuleka, 21, Joel Makhunga, 27, Mfinywani Bamali, 41, Dumezweni Myeni, 35, Bofana Mafu, 35, Boy Mvubu, 39 and Mrs Nokuhamba Nyawo, 64.

331 stan 27/11/85

Many Zipra men fought 'to later join the ANC'

MARITZBURG — Members of Zipra fought to liberate Zimbabwe only as a means to later liberate South Africa and were now members of the ANC, the Supreme Court heard yesterday.

A self-confessed member of the ANC said this at the treason trial of 16 United Democratic Front and trade union leaders while commenting on an often-used freedom song that originated with Zipra (the armed supporters of Mr Joshua Nkomo).

The song was contained in a transcript of one of the many video recordings of meetings, allegedly attended by some of the accused, that were screened in court at the start of the trial.

The witness, who was a member of an ANC propaganda unit at the time he was arrested, allegedly decided to turn State witness after refusing to co-operate with the Security Police for seven months.

The witness was allegedly "mili-

tant and zealous" when arrested, but said during cross-examination he had changed his attitude after lengthy discussions with the police.

The Zipra forces song the witness referred to, now sung as "Umandela Hai Hai", is allegedly taught to ANC recruits in camps outside South Africa.

The witness, who may not be identified, said during his evidence-in-chief that the ANC was waging guerilla warfare for the main purpose of seizing political power.

Later, the witness said South Africa had been taken by force and was governed by force, and the words of a second song discussed in court implied that the ANC could rely only on armed struggle.

The court heard that the witness had, shortly before his arrest, allegedly encouraged people to attack policemen driving through townships, and had encouraged an attack on an individual as a settlement of a grievance.

The hearing continues. — Sapa.

UDF trial told of Zipra song

MARITZBURG. — Many Zipra members fought for the liberation of Zimbabwe only as a means later to liberate South Africa and were now members of the African National Congress, the Supreme Court here heard yesterday.

A self-confessed member of the ANC said this at the treason trial of 16 United Democratic Front and trade union leaders while commenting on an often-used freedom song of the Zimbabwe People's Revolutionary Army.

The song was contained in a transcript of one of the many video recordings of meetings, allegedly attended by some of the accused, that were screened in court at the start of the trial.

The witness, who was a member of an ANC propaganda unit in South Africa when he was arrested, allegedly decided to turn State witness after refusing to co-operate with the security police for seven months.

He was allegedly "militant and zealous" when arrested, but had changed his attitude after lengthy discussions with the police.

Power

He said the Zipra song, now sung as "uMandela Hai Hai", was taught to ANC recruits in camps outside South Africa.

The witness, who may not be identified, said the ANC was waging a guerilla war to seize political power.

South Africa had been

taken by force and was governed by force, and the words of a second song discussed in court implied, therefore, that the ANC could rely only on armed struggle.

The court heard that the witness had, shortly before his arrest, allegedly encouraged people to attack policemen driving through townships, and had encouraged an attack on an individual as a settlement of a grievance.

According to the witness, the words of another song meant: "They (the government, police and soldiers) do not know the spear (the ANC's military wing), we will hit them with mortars and AKs".

An ANC song, "We don't want people from the West", meant the ANC believed the socialist countries firmly supported the liberation struggle, but that Western capitalist countries vacillated in their support.

Another song, "We are going to Pretoria", was sung in an ANC camp and meant Mr Oliver Tambo would take Pretoria.

Angola

Another song, "Crossing the plains of Angola", meant the SADF was invading Angola. The witness said: "We sang this song to encourage the Fapla (Angolan) forces."

The witness said the slogan of the South African Congress of Trade Unions (Sactu) and the South African Allied Workers Union (Saawu) was the same: "An injury to one is an injury to all."

The emblems of the two unions were the same except that each had its name on its emblem.

The State alleges that Sactu aims and strives to organize workers to play a militant role in a revolution to bring about revolutionary change in the economic, social and political system.

The trial continues. — Sapa

Fewer held in Peninsula

Political Staff

THE number of detentions under the emergency regulations in the Cape Peninsula appears to have dropped over the past few days.

Although these have not been confirmed by the police, only eight new detentions have been reported since last Friday — the lowest rate since the emergency was declared in Cape Town at the end of October.

Meanwhile, a further 16 detainees have been freed in Cape Town: Zuleia Vallie, Shalief Vallie, Abdul Abrahams, Omar Lightburn, Michael Rhoda, Cheslyn Mostert, Leon du Preez, Wince Matthews, Gert Beard, Trevor Tuft, Dirk Gollert, Peter Adams, Mongeli Gruvilye, John Kofisa, Mxolis Peacemaker, Getye and Kya Khavalat Sakawula.

A prayer service for the release of Shirley Gunn and all other detainees is to be held in the Buitenkant Street Methodist Church tonight at 7.30.

● Sapa reports that the director of the Port Elizabeth Chamber of Commerce, Mr Tony Gilson, told a meeting in Johannesburg on Monday night that since the release from detention of 17 community leaders there had been a drop in violence in the black areas of Port Elizabeth.

SPECIAL CHRISTMAS YEAR-END CLEARANCE SALE

Manufacturers of solid brass and copperware are offering bargains to the public. Solid brass, silver, plant pot covers, all shapes and sizes, local and imported pottery, figurines, lamps, clocks and items too

Treason trial told of 'ANC flag' at burial

MARITZBURG. — Two treason accused standing trial were key figures in the funeral procession of a Durban political activist on August 14, 1982, during which a black, green and gold flag was flown and clenched fists were held up high, the court heard yesterday.

A State witness, Lieutenant Victor Raju, told the court that black, green and yellow lapel badges and yellow pamphlets printed in black and green had also been distributed at the funeral of a Mrs Poomanie Moodley.

Mr Archie Gumede led the procession to the cemetery and Mr Paul David held the flag, which Lieutenant Raju said bore the colours of the African National Congress.

The leader of the defence team, Mr Ismail Mohamed SC, objected to the lieutenant's evidence that the funeral organizers had used ANC colours on the grounds that it was hearsay evidence.

The Judge President of Natal, Mr Justice Milne, ruled that the evidence was inadmissible after Lieutenant Raju told the court that he was told during training lectures that these colours were used by the ANC.

Lieutenant Raju, of the Durban security police, said one of the pamphlets said Mrs Moodley was a member of the Natal Indian Congress, was guided by "the congress leadership" and her "heroic life" offered lessons

to "the freedom fighters who continue the struggle".

The pamphlet said Mr Nelson Mandela, other activists and two of the accused, Archie Gumede and George Sewpersadh, were her leaders.

Lieutenant Raju said that while he waited outside the hall, he heard mourners singing freedom songs, one of which contained the words "we will follow Mandela".

The policeman said Mr Archie Gumede led the procession to the cemetery and when he raised a clenched fist, all 600 people in the procession did the same.

He said Mr Paul David, who had helped carry the coffin, and another man stood behind Mr Gumede holding up a black, green and gold flag.

The evidence of a secret State witness ended yesterday with the defence alleging that the person had told numerous lies and had "spiced" his evidence about one of the accused with information fed to the witness during detention.

The court heard that once the witness had agreed to give evidence in trial, he was released and allowed to read banned literature in a security policeman's office "to inform myself about the ANC, Umkhonto we Sizwe (the ANC military wing) and the South African Congress of Trade Unions".

The trial continues. — Sapa

Accused led procession — State

Treason trial told of funeral demo

331 Star 28/11/85

MARITZBURG — Two treason accused standing trial here were key figures in the funeral procession of a Durban political activist in 1982 during which a black, green and gold flag was flown and fists held high, the court heard yesterday.

A State witness, Lieutenant Victor Raju, said black, green and yellow lapel badges and yellow-paper pamphlets printed in black and green had also been distributed at the funeral of a Mrs Poomanie Moodley on August 14 1982.

Lieutenant Raju, who told the court that Mr Archie Gumede led the procession to the cemetery and that Mr Paul David was one of two people who held the flag, said the colours were those of the banned African National Congress.

The leader of the defence team, Mr Ismail Mohamed SC, objected to Lieutenant Raju's evidence that the funeral organisers had used ANC colours on the grounds that it was hearsay evidence.

The Judge President of Natal, Mr Justice Milne, ruled that the evidence was inadmissible.

Lieutenant Raju, a member of the Durban Security Police, said one pamphlet stated that Mrs Moodley, who was an active member of the Natal Indian Congress, had a "heroic life" which offered important lessons to the "freedom fighters".

The pamphlet also said that Nelson Mandela, other activists and two of the accused, Mr Gumede and Mr George Sewpersadh, were her leaders.

Lieutenant Raju said Mr Gumede led the procession to the cemetery. When he raised a clenched fist, all 600 people there did the same.

He said Mr David, who had helped carry the coffin, and another man stood behind Mr Gumede holding up a black, green and gold flag.

The evidence of a secret State witness ended yesterday with the defence alleging that the person had told many lies and had "spiced" his evidence about one of the accused with information fed to the witness during detention.

The defence alleged that the witness, who "traded off" imprisonment for freedom by becoming a State witness, had said: "It was a chance of a lifetime that you only get once." — Sapa.

By PATRICK LAURENCE

African National Congress and had received military training abroad.

I.G Farlam, SC, assisted by Edwin Cameron, argued that the ANC came to the conclusion "the worse had come to the worst" as long ago as 1961 and that armed resistance was justified, and that Leepile and Ngidi, in joining the ANC in the aftermath of the 1976 disturbances, were motivated by a "genuine belief that what they were doing was justified."

Noting that the two men had

conceded their belief was unjustified when they pleaded guilty to treason; defence counsel said: "A mistaken belief that action is justified in self-defence or on the grounds of necessity is clearly a mitigating factor."

Earlier, Professor Brunhilde Helm, of the University of Cape Town, told the Rand Supreme Court the Soweto disturbances of 1976 had traumatised the two men and rendered them susceptible to manipulation by an ANC recruiting agent.

She described how Leepile was shocked by the deaths, in fairly rapid succession, of a cousin he regarded as his "twin brother," a school mate and a monitress in his Soweto school during the first few days of the violence which swept across Soweto in June 1976.

Leepile was a Std 8 schoolboy at the time. He was so deeply shocked by the death of his cousin he could not speak after seeing his body in the morgue.

"It was a nightmare period ... He was afraid of being alone and afraid of people," Helm said.

In these circumstances, he met a traffic policeman named Joe, who offered to help him escape to Swaziland, where, Joe promised, he would be able to continue his studies.

Flight had begun to occupy Leepile's mind, which welcomed "anything to get away from such horror". He accepted Joe's offer.

But escape to Swaziland was but a first step to a guerrilla camp in Tanzania, where Leepile, bewildered by the strange environment, became dependent on the ANC and unable to think through the consequences of his actions, Helm argued.

Ngidi, whose father died when he was five, went through similar traumas, including the death in Soweto's violence of a man who offered to get him employment so he could fulfil his ambition of earning money to put himself through university.

He, too, was befriended by Joe, the traffic policeman, who offered to help him to study for a degree in Swaziland. "He didn't suspect Joe's motives. He seemed to be trying to help him out."

Helm argued the two men were suffering so deeply from shock that it was difficult for them to make clear-headed judgments and that they were susceptible to manipulation.

The effects of Soweto's turmoil on them were similar to the effects of a calamitous natural disaster on its victims, she said, adding of their decision to join the ANC: "When one is drowning, one clutches at straws."

During cross-examination, Louise Treurnicht, for the State, assisted by C B Ferreria, established that Helm had only spent an hour with each of the accused and questioned whether the professor had spent sufficient time with the accused to reach the conclusions that she did.

Treurnicht further raised the possibility that Helm fitted the data acquired from the interviews into her model of disaster medicine. Helm vigorously refuted the suggestion.

THERE is considerable authority in law for the view that resistance to unjust rulers can, in certain circumstances, be a moral right and even a duty, counsel for the defence said in a treason trial in which sentence is due today.

Defence counsel was pleading with Justice Laurie Ackermann to be merciful in sentencing Joseph Leepile, 27, and Justice Ngidi, 31.

The two men had already pleaded guilty to treason after acknowledging they were members of the outlawed

The law can tolerate resistance, court told

Soldiers tell of Maseru attacks

WEEKLY MAIL REPORTER
Pietermaritzburg

TWO SADF soldiers told the Pietermaritzburg Supreme Court this week how they had attacked alleged ANC bases in a Maseru residential area in December 1982, "eliminated" the male occupants and seized numerous documents.

The two men, who may be named only as O'Brien and Heyns, were giving evidence in the trial of 16 United Democratic Front and trade union leaders who are charged with treason.

Both witnesses said women and children were present in the houses they raided during the pre-emptive strike, but in the words of Heyns: "We tried, as far as possible, to keep them out of the line of fire."

Of the documents allegedly seized, one was signed "Yours comradely, T (or Y) Qgweta". It was handed in as evidence on Monday, and allegedly refers to one of the accused.

The documents were, however, returned to the state after the defence team, led by Ismail Mohamed, SC, objected to their admissibility as evidence because the state had not yet proved their relevance or that the houses they were found in were in fact ANC bases.

The trial was adjourned on Wednesday after the Judge President of Natal, Justice Milne, reserved judgment until 8,30am this morning on an almost six-hour application by the state to hear the evidence of their next three witnesses in camera so as to protect their identities.

The court heard on Tuesday from Heyns that two men in the Maseru house he had invaded on December 8/9 1982, shot back at them.

The two men were "eliminated" and two firearms, a pistol and an AK47 rifle, were found beside the bodies in the bedroom.

Heyns said he then searched the two bedrooms, but not the remainder of the house, and seized documents which he handed to police Colonel Jacobus Buchner, who was waiting at the South African border.

O'Brien, who allegedly attacked another house, said four men were killed, but two women were released. No weapons were found.

Buchner, a member of the Security Branch in Pretoria and an interrogator of "terrorists", told the court Lesotho was a springboard for the African National Congress in 1982, and ANC high command had been accommodated in houses in Maseru.

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Cloche and
of on street

ANC colours at funeral, court told DISPATCH

PIETERMARITZBURG
— Two treason trialists were key figures in a funeral procession in Durban in 1982 during which a black, green and gold flag was flown, the court here heard yesterday.

A state witness, Lieut Victor Raju, said black, green and yellow lapel badges and yellow pamphlets printed in black and green were also distributed at Mrs Poomanie Moodley's funeral.

He told the court Mr Archie Gumede led the procession to the cemetery and Mr Paul David was one of two people who held the flag.

The judge president of Natal, Mr Justice Milne, ruled that the evidence was inadmissible after Lieut Raju told the court that he was told during training lectures that

these colours were used by the ANC. 28/11/85

The evidence of a secret state witness ended yesterday with the defence alleging the person told lies and "spiced" his evidence with information fed to him in detention.

The court heard that once the witness agreed to give evidence, he was allowed to read banned literature "to inform myself about the ANC, Unkhphoto we Sizwe (the ANC military wing), and the South African Congress of Trade Unions."

The witness, who "traded off" imprisonment for freedom by becoming a state witness, said "it was a chance of a lifetime that you only get once." — Sapa

Treason trial hears of clenched fist salutes

28/11/85

Mercury

(331)

Pietermaritzburg Bureau

A LIEUTENANT in the security police told the treason trial here yesterday how he had watched accused Archie Gumede, a co-president of the UDF, and Paul David lead a funeral procession to Clairwood cemetery with clenched fists in the air and a black, green and gold flag flying behind them.

Lt Victor Raju of CR Swart Square, Durban, said he spotted the two accused while keeping watch on the funeral service for Mrs Poomanie Moodley which was held

in the Tamil Institute Hall on August 14, 1982.

Mrs Moodley, 56, a nurse who worked in the Clairwood area of Durban, died on August 11. She had been an active member of the Natal Indian Congress.

Lt Raju said he and a colleague, W/O Moodley, observed Mr David, Mr Thumba Pillay, who is appearing as an instructing attorney for the defence in the trial, and another man carrying the coffin into the hall.

After three hours of speeches and the 'singing of freedom songs', such as *We will follow Mandela*, people came out and 'Ar-

chie Gumede stood in front of the coffin and behind him was Paul David and another man who held a black, green and gold flag', Lt Raju said.

Marched

Behind them, two black men held a white banner with the words 'Allied Workers' Union — injury to one is injury to all' and another two held a yellow banner reading 'Azaso — stands for student union', the lieutenant said.

'The funeral procession formed, comprising of about 600 people, and Archie Gumede raised his right arm with fist clenched and all the people in the procession

raised their right fists and marched through the street to the cemetery which was about 330 m away,' Lt Raju said.

As the coffin was lowered into the grave *Nkosi Sikelel iAfrica* was sung.

At the start of the service he noted a 4 m by 1.5 m banner hanging from the roof of the hall outside on which the Freedom Charter had been printed.

People were also handing out pamphlets at the hall's entrance.

One of the pamphlets was printed on 'yellow paper with black and green writing' saying Mrs Moodley was 'constantly

guided in her organisational work by the congress membership, Nelson Mandela, Yusuf Naidoo, Monty Naicker, Archie Gumede and George Sewpersadh were her leaders'.

Detention

A badge made of yellow cardboard with green and black ribbon with the words 'Congress' and a clenched fist, was handed in to the Court.

A secret witness, called 'S' said that after agreeing to testify for the State, the witness had been released from months of detention and given opportunities to read banned political literature at a police station so 'I could inform myself of the ANC, Umkhonto We Sizwe and South African Congress of Trade Unions'.

Under cross examination by Mr Marumo Moe-rane, for the defence, witness S admitted that in not wanting the ANC to know the witness's whereabouts the witness had lied to the Court about a letter to the witness's mother.

'I did not expect the letter to be produced in Court. This shows I can't even trust my mother because I asked her in the letter not to tell anyone that I had written to her.'

The witness admitted that when at school the police had beaten up the witness, who was also throttled by a police lieutenant and beaten with a hosepipe by a warrant officer at a police station, suffering injuries to the head and thighs.

Lifetime

When arrested as an ANC-trained activist, the witness told of fears of being assaulted, but realised this would not happen and was only 'slapped once' for not giving the witness's real name to the security police, the Court heard.

'The police told me if I gave evidence, charges would be dropped. I realised some opportunities came only once in a lifetime and as I was dissatisfied with the ANC, I realised maybe I'll be free.'

'I wanted to give evidence as I wanted to prove I had reformed and I wanted to lead a normal life,' witness S said.

The trial continues to-

Funeral evidence was tampered with, claims defence

MARITZBURG — Endorsements on documentary evidence collected at the funeral of a political activist had been "tampered with" to make dates match, Mr Ismail Mahomed, SC, defence counsel for 16 treason trialists, told the Maritzburg Supreme Court yesterday.

The documents were allegedly collected by Lieutenant Victor Raju, a security policeman, at the funeral service of a Natal Indian Congress political activist, Mrs Poomanie Moodley, in Clairwood on August 14 1982.

Mr Mahomed told the Judge President of Natal, Mr Justice John Milne, that the two documents were dated August 14, the day of the funeral, but copies made from those documents were dated August 11.

DENIED

Lieutenant Raju denied he had altered the original documents.

State counsel agreed the handwritten dates had been changed but said this had been done without the State's knowledge.

Mr Mahomed said that, had Lieutenant Raju been in the hall and not 30 m away, he would have heard that the speeches made at the funeral were based on Gandhian non-violence and the condemnation of apartheid on the basis that it was a violent system.

Mr Mahomed said Lieutenant Raju had "accomplished his task" when he heard the words "follow Mandela" and "shoot the Boers" coming from the hall in which the "perfectly peaceful"

service was held.

Mr Mahomed questioned Lieutenant Raju on his evidence regarding the black, green and gold colours used at the funeral.

Lieutenant Raju said he did not know the colours had been used by the Natal and Transvaal Indian Congresses "long before the ANC was banned", nor that the colours were also those of a popular soccer team and of the Inkatha Zulu cultural movement.

Another security policeman, Major Harold Miles, told the court an informer had supplied him with documents from an Albert Luthuli memorial service held at St Anthony's Church in 1982.

Two songs that appeared on one of the documents allegedly contained the words "assault, assault" and "assault them (the Boers)".

Mr Mahomed said it was dangerous to let an informer attend a meeting instead of a policeman because, according to transcripts of the meeting, the two "menacing songs" were not sung.

Mr Mahomed said informers were "mercenaries" who were paid according to the importance of their information.

"Did this informer not try to increase his reward?" he asked.

Mr Mahomed added that the first of the two songs he had pointed out was well known and did not contain the word "assault" which "someone has maliciously put in".

The hearing continues. — Sapa.

Lieutenant denies he tampered with pamphlet dates

Pietermaritzburg Bureau

A SECURITY policeman denied having tampered with dates which showed when pamphlets, handed in as evidence against 16 UDF and trade union leaders, were 'seized' during the funeral of a Natal Indian Congress activist.

Lt Victor Raju, of CR Swart Square, Durban, made the denial here yesterday after Mr Ismail Mohamed SC, for the defence, noticed a discrepancy between his photocopies of two pamphlets and the originals handed in to the Court this week.

Lt Raju said the pamphlets had been among those handed out at the funeral service of Mrs Poomanie Moodley, a community nurse in Clairwood, Durban, on August 14, 1982. Mrs Moodley had died on August 11.

Photocopies of the pamphlets showed the date of seizure, written in by Lt Raju, to be 'August 11, 1982' while on the original pamphlets 'August 14 1982' appeared as the date of seizure.

Mr Mahomed said the '4' in 'August 14' obliterated the comma and the figure was in a darker colour ink than the rest of the handwriting.

Lt Raju initially told the Court he could not see the discrepancy raised by Mr Mahomed.

Observed

After cross-examination the lieutenant conceded there was a discrepancy and said: 'It looks like somebody had altered the date from "August 11" to "14", but it was not me.'

Mr Christo Meiring, for the State, agreed the dates seemed altered and said that during consultations Lt Raju had said that in his statement he had mentioned 'August 11' when he had wanted

to say 'August 14'.

Lt Raju said he had not taken any notes of the funeral service or the subsequent 'march with clenched fists' to bury the coffin at Clairwood Cemetery.

W/O R Moodley of the Security Police said he observed the service with Lt Raju and had seen him write descriptions of the funeral in an S A P-issued notebook.

Lt Raju had said that before 1979 the Natal Indian Congress was 'more Indianised, calmer, more passive and no freedom songs were sung' but this changed and after that year 'it was policy' not to attend such events.

Discretion

W/O Moodley said he had used his discretion, rather than complying with instructions, in preferring to stand outside the hall than attending the service.

Under cross-examination by Mr Mahomed, Lt Raju said he was not aware that a Hindu priest had delivered a sermon during the service, that hymns were sung and references were made to peace, non-violence and justice.

The policeman denied a suggestion from Mr Mahomed of having a 'myopic vision' about black political protest and that he was 'blinkerred by the Security Police and experiences as a policeman'.

Maj Harold Miles, of the Security Police in Durban, said he had paid an Indian informer between R20 and R30 for at-

tending an Albert Luthuli Memorial Service in St Anthony's Hall, Durban, on August 15, 1982.

Two of the speakers were allegedly Mr Archie Gumede, 70, a co-president of the UDF, and co-accused Mr Duze Ngcobo, 36, treasurer of the South African Allied Workers' Union.

Song sheet

After the meeting the informer handed Maj Miles a Zulu song sheet, pamphlets and badges allegedly distributed at the meeting.

The song sheet had one song with the words: 'We the black Nation cry for country/ which was taken by the boers/ Assault them! Assault them and they will leave our country (2x)/ Children of Africa will die for their country taken by boers/ They must leave, they must leave our country'.

Mr Mahomed said the song was not in a transcript of the meeting and those who knew the song in its 'correct form say the words "assault" do not appear in it'.

Under cross-examination by the defence, Maj Miles said he did not know where or from whom inside the hall his informer had received the song sheet and other documents handed in as evidence.

He said it could be possible that an 'agent provocateur' acting as a member of the audience had given his informer the documents.

The trial continues today.

licences ter-
Cape Times 29/11/85

Cape Times man in court

Staff Reporter

A CAPE TIMES journalist, Peter Dennehy, 27, of Observatory, appeared in the Goodwood Magistrate's Court yesterday in connection with allegations of attending an illegal gathering and obstructing the police in the course of their duty.

No charges were put and he was not asked to plead. The hearing was adjourned until December 20, pending a decision of the Attorney-General.

Mr Dennehy was arrested on October 27 in Elsie's River where he had been sent to cover a meeting that was banned under emergency regulations. Police had allegedly ordered him out of the area before the arrest.

The magistrate was Mr M J van Graan. Mr S Potgieter appeared for the State. Mr B Manca appeared for Mr Dennehy.

Treason-trial documents 'changed'

CAIT 4/1/85 29/11/85

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MARITZBURG. — Defence counsel for 16 treason trialists told the Supreme Court here yesterday that endorsements on documentary evidence collected at the funeral of a political activist had been "tampered" with to make dates match.

Mr Ismail Mahomed, SC, accused a security policeman, Lieutenant Victor Raju, who collected the documents, of having such a "myopic, distorted vision of political realities" that he saw only "what he wanted to see" at the funeral service of a Natal Indian Congress political activist, Mrs Poomanie Moodley, in Clairwood on August 14, 1982.

Mr Mahomed told the Judge President of Natal, Mr Justice John Milne, that the two documents were dated August 14, the day of the funeral, but that copies made of these documents were dated August 11. Lieutenant Raju denied altering the originals.

State counsel examined the documents and admitted that the handwritten dates had been changed — without the State's knowledge.

Gandhian non-violence

Mr Mahomed said that, had Lieutenant Raju been in the hall and not 30m away, he would have heard that the speeches made at the funeral were based on Gandhian non-violence and the condemnation of apartheid on the basis that it was a violent system.

Mr Mahomed said Lieutenant Raju had "accomplished his task" when he heard the words "follow Mandela" and "shoot the boers" coming from the hall in which the peaceful service was held.

The priest had spoken at length on the virtues of peace, fellowship and non-violence.

Mr Mahomed questioned Lieutenant Raju, who claimed six years' experience in investigations into ANC affairs, on his evidence regarding the black, green and gold colours used at the funeral.

Lieutenant Raju said he did not know the colours were used by the Natal and Transvaal Indian Congresses "long before the ANC was banned", nor that the colours were also those of a popular soccer team and of the Inkatha Zulu cultural movement.

The trial continues today. — Sapa

State video evidence debated

MARITZBURG — The danger of screening "commercially edited" videos as evidence was argued in the Supreme Court here yesterday after two scenes, allegedly 15 km apart, appeared on the same recording.

The defence counsel for 16 United Democratic Front leaders charged with treason alleged that a video purporting to be that of a UDF rally in the Johannesburg City Hall also contained a scene filmed in Lenasia 15 km away.

To date 11 videos of meetings have been screened as provisional evidence at the trial.

The defence team, lead by Mr Ismail Mohamed SC, allege that all except one of the videos in State possession are edited versions.

CITY HALL

"The danger of these is that they can change the order of speakers and places around, and the interruptions between one scene and another can be any length of time."

"The video purports to be in the city hall, and as if in one continuous motion you see scenes of children with 'don't vote' stickers on them", he said.

The Judge President of Natal, Mr Justice A J Milne, and the State, led by Mr Nick Gey van Pittius, agreed that the location was different and that the mood of the children was different from that at the UDF rally.

Mr Justice Milne requested the State to treat as a matter of priority the necessity to bring evidence to prove the admissibility of the videos as evidence in the trial.

The trial continues.

Sapa.

'No link between UDF and ANC' — trial video

Argus Correspondent

MARITZBURG. — The United Democratic Front was not connected to the African National Congress in any way, according to the transcript of a video-tape screened at the treason trial here yesterday.

The transcript attributes the words to Mrs Mani Ben Sita, an executive committee member of the Transvaal Indian Congress. She was addressing the Natal Indian Congress in Newcastle in August last year. She is not an accused.

This tape and two others were screened at the request of the defence.

At the same Newcastle meeting Mr

Billy Nair, who is not an accused, said: "These people, who are not spokesmen for the people but stooges of the Government, have accused us of being agents of Moscow, the ANC and the KGB.

"So serious is this charge against us that they are actually inviting the Government to take action against congress and the UDF.

"They say: 'Lock these people up because they are foreign agents'.

"If we were foreign agents none of you would be here today.

"In the meantime they hide behind the protective skin of the Government and accuse us and in fact warned the Government against us.

PE editor in court over report on funeral

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PORT ELIZABETH —

The editor of the *Eastern Province Herald*, Mr J C Viviers, and reporter Miss Juliette Saunders appeared in the Port Elizabeth Magistrate's Court yesterday to face a charge of contravening section 27b of the Police Act.

The charges stem from the newspaper's coverage of a funeral in Grahamstown on November 9 last year of a black man who died as a result of police action.

The State alleges that the newspaper published statements about police actions without having reasonable grounds for believing them to be true.

Lieutenant G P J Laubscher of the SAP, said in evidence that on the day of the funeral he went on patrol in Grahamstown's black townships in a personnel carrier with about 10 men.

TEARSMOKE

He said a group of youths began yelling and throwing stones at the police. Tearsmoke and rubber bullets were fired.

The police later went to Joza township, where they watched the funeral from a ridge. There was also a Casspir in the area.

He said when the procession moved past the patrol some mourners were singing and giving Black Power salutes. A few stones were thrown at them from the procession, and the patrol retreated to a point further up the ridge.

Later the police were stoned again and more tearsmoke and rubber bullets were fired.

The hearing continues today — Sapa.

MARITZBURG

Defence counsel for 16 United Democratic Front and trade union leaders accused an expert State witness yesterday of being an "ad hoc witness" who made statements and then looked for facts to support them.

Mr Ismail Mahomed, SC, also accused the witness, Mr Isaak de Vries, of not having the expertise to make assessments on various organisations and their alleged commitment to violence.

Mr de Vries, a lecturer at the Rand Afrikaans University, returned to court for cross-examination by the defence after

Treason trial defence criticises State witness

his expert testimony at the start of the trial on the use of revolutionary symbols as a means of furthering revolutionary aims.

Mr Mahomed's allegations followed cross-examination on a statement made by Mr de Vries that Dr Yusuf Dadoo had at one stage committed the Natal Indian Congress (NIC) and the Transvaal Indian Congress (TIC) to violent struggle.

Mr Mahomed said at

the time of this statement by Dr Dadoo, "there was no NIC or TIC that could be committed to violence" because both organisations ceased to operate between 1960 and 1971.

He also accused Mr de Vries of being an ad hoc witness and not a scientist who investigated facts.

Referring to his statement, Mr de Vries said he had no evidence that Dr Dadoo had a mandate

to speak on behalf of the two Indian congresses, nor did the documents he had consulted say organisations had bound themselves to violence.

The court heard that Mr de Vries relied only on revolutionary literature when he wrote his statement and did not consult TIC or NIC minutes, never attended any of their meetings and had never interviewed their leaders.

The trial was adjourned to tomorrow for Mr de Vries to "refresh his memory" from the publications he had already studied. — Sapa.

Five in family hacked, burnt to death: 10 in court

ARGUS 3/12/85
Argus Bureau

PORT ELIZABETH. — Five members of a prominent family in the Uitenhage township of Kwanobuhle and a family friend were hacked and burnt to death by a mob as they fled from a blazing funeral parlour, according to details before the Supreme Court in Grahamstown.

Ten people appeared in the court today accused of murdering five members of the Kinikini family and a friend on March 23.

Mr Ben Kinikini, 57, his two sons, Silumkho, 20, and Kwarla, 13, two cousins, Mr E Z Kinikini, 25, and Mr Q Kinikini, 18, and Mr Z Pram were hacked and burnt to death by a mob two days after the killing of 21 funeral marchers by police at Langa, near Kwanobuhle.

At the time Mr Ben Kinikini was the only member of the Kwanobuhle Community Council who had not resigned.

According to documents before the court, the deceased were murdered as they fled Mr Kinikini's funeral parlour which had been set alight by the mob.

The accused, who also face charges of public violence, are: Moses Jantjies, 21, Miamli Mielies, 22, Luncile Bobby, 22, Tobile Mamlamla, 19, Mcqondo Vena, 26, Zandiseli Ndwanya, 18, a youth of 17, two of 16 and another of 15.

Mr Justice T.M. Mullins is on the Bench, assisted by Mr B P Loots and Mr E A Logie as assessors. Mr C D Nel appears for the State, Mr J N M Poswa and Mr H K Naidu appear for the defence.

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Cape Times 3/12/85

'Expert' 331 witness undecided

Own Correspondent

MARITZBURG. — Mr Isaak de Vries, a key witness for the State in the treason trial here, admitted yesterday he had not yet decided if the Natal and Transvaal Indian congresses and the South African Allied Workers' Union were involved in violent revolution.

Mr Justice Milne, Judge President of Natal, said Mr De Vries, a political scientist at the Rand Afrikaans University, should have formed his opinions before giving evidence and not while in the witness box.

The 15 men and a woman accused of high treason allegedly conspired with the ANC in using their positions as leaders of various UDF-linked organizations to overthrow the government by violence.

The trial was adjourned until tomorrow to allow Mr De Vries time to "refresh" his memory about his earlier evidence on his study of ANC tactics.

Mr De Vries, whom Mr Ismail Mahomed, SC, for the defence, described as an "ad hoc witness" said it would take about two weeks to prepare a "final opinion" on whether the NIC, the TIC

and Saawu had been used as revolutionary organizations.

Mr Justice Milne said: "I have never heard of a situation of a witness asking for an opportunity to do research during a proceeding on a matter which has been the issue from the start."

He did not consider it "proper" that he "be asked or to be given an opportunity to form an opinion which he has not yet formed".

Under cross-examination Mr De Vries said: "In terms of my theory, a publication (of the congresses) propagated a symbol of the revolution in using the name of Dr Yusuf Dadoo."

Dr Dadoo was president of the South African Indian Congress between 1948 and 1952 and went into exile when the ANC was banned in 1960.

Opposed

When asked if there was any other evidence that NIC and TIC had adopted a policy of violence other than the use of Dr Dadoo's name, Mr De Vries said he could not say until "reconsidering the documents".

He conceded that their constitutions were opposed to the use of violence.

Mr De Vries said he had never consulted primary sources available to him such as looking at minutes of meetings, attending meetings or interviewing leaders. While it would have been "useful" he had never obtained any literature from NIC or TIC advice offices.

Referring to his 36-page report on the "Aims and methods of the self-confessed revolutionary movements in South Africa" linking the NIC and the TIC to violence, Mr De Vries conceded this had been done by accepting that Dr Dadoo spoke for the organizations. He had not established if this was in fact the case.

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Police action at funeral: Editor's trial reopens

Argus Bureau

PORT ELIZABETH.— The trial of the editor of the Eastern Province Herald, Mr J C Viviers, and a reporter, Miss Juliette Saunders, under Section 27b of the Police Act has resumed in Port Elizabeth Magistrate's Court.

The State alleges that the newspaper published a report of police action at the funeral of an unrest victim in Grahamstown without reasonable grounds for believing it to be true.

It is the first time that journalists have been prosecuted under this section of the Act.

Yesterday two police officers who were at the funeral,

when a man was killed, described their movements and actions, as well as those of black youths.

Another police witness, Captain J H Bosch, who gave evidence before the trial was postponed in September, was cross-examined by defence counsel Mr Mike Hannon.

Captain Bosch admitted he had not taken notes of his observations and could not deny that the Herald version of the events had been conveyed to it by eyewitnesses.

He said it was clear from the report that the police had been given an opportunity to comment.

The trial continues today.

PIETERMARITZBURG
— Defence counsel for 16 UDF and trade union leaders accused an expert state witness yesterday of being an "ad hoc witness" who made statements and then looked for facts to support them.

Mr Ismail Mahomed, SC, also accused the witness, Mr Isaak de Vries, of not having the expertise to make assessments on various organisations and their alleged commitment to violence.

Mr De Vries, a lecturer at the Rand Afrikaans University, returned to court for cross-examination by the defence after his expert testimony at the start of the trial on the use of revolutionary symbols as a means of furthering revolutionary aims.

Mr Mahomed's allegations followed cross-examination on a statement made by Mr De Vries that Dr Yusuf Dadoo had committed the Natal Indian Congress (NIC) and the Transvaal

(33) State witness called inexperienced

DISPATCH

Indian Congress (TIC) to violent struggle.

Mr Mahomed said at the time of Dr Dadoo's statement, "there was no NIC or TIC that could be committed to violence" because both organisations ceased to operate between 1960 and 1971.

Mr Mahomed said: "At the time you made these statements you did not expect to be questioned on them and now you want to look for facts to substantiate your claims".

"You just don't have the expertise to make assessments of these things", Mr Mahomed said.

He accused Mr De Vries of being an ad hoc

witness and not a scientist who investigated facts.

Referring to his statement, Mr De Vries said he had no evidence that Dr Dadoo had a mandate to speak on behalf of the two congresses, nor did consulted documents say the organisations had bound themselves to violence.

The court heard that Mr De Vries relied only on revolutionary literature when he wrote his statement and did not consult TIC or NIC minutes, never attended any meetings and never interviewed their leaders.

Mr De Vries told the court he had not formed any opinions on the TIC and the NIC because he thought this could be done at the end of his evidence, and asked for two weeks to study more documents.

The trial was adjourned to tomorrow for Mr De Vries to "refresh his memory" from the publications he had already studied. — Sapa

CAPE TOWN
4/12/85
State witness
'saw no whips'

Own Correspondent

PORT ELIZABETH. — A State witness yesterday told the Magistrate's Court here that he did not see any sjamboks being issued on the day police were alleged to have used them on youths in Grahamstown.

However, Lieutenant G P J Laubscher, a Middleburg policeman stationed in Grahamstown at the time of the alleged incident in November 1984, could not say under cross-examination by the defence whether there had been sjamboks in Casspirs which monitored the movements of a procession during the funeral of an unrest victim.

He said he was one of three officers in charge of policemen doing observation duty on the day of the funeral. All three drove in different vehicles and were in radio contact with the police operations room. A Major Mouton had overall control.

The Editor of the Eastern Province Herald, Mr J C Viviers, and a reporter, Miss Juliette Saunders, have pleaded not guilty to a charge of contravening Section 27B(1) of the Police Act.

Mr Viviers is charged in two capacities — as Editor of the Herald and representative of the owners and publishers, South African Associated Newspapers.

Grounds

The State alleges that on November 10, 1984, they published statements about SAP actions without having reasonable grounds for believing them to be true. The charges stem from the Herald's coverage of the funeral of an unrest victim in Grahamstown on November 9.

The disputed statements include the following:

- Witnesses alleged that police used sjamboks at the scene.

- According to a witness, shortly after the crowd reached the turn-off to the cemetery a police sneeze machine was used towards the tail-end of the procession.

- Within minutes reporters saw police vehicles move down from the ridge from different directions. Tear-smoke was fired at the crowd.

- According to witnesses in the crowd, police also fired rubber bullets and birdshot.

Lieutenant Laubscher said he did not see a Casspir in the townships before the body of mourners broke up at the cemetery.

The trial continues today.

**Argus
reporter
in court**
Court Reporter

AN ARGUS journalist, Ms Pippa Green, who was arrested on November 7 while picketing in protest against the inroads on press freedom made by the emergency regulations, yesterday appeared in the Magistrate's Court.

The charge sheet indicates that Ms Green may be charged with demonstrating in an area in which demonstrations are prohibited under the Gatherings and Demonstrations Act. The maximum fine under this Act is R300 (or six months). The hearing was adjourned to December 19.

Mr M J C Tolken was the magistrate. Mr L S Moffitt appeared for the State. Ms Andy Durbach appeared for Ms Green.

Constable tells how he was hit by shrapnel from grenade

Lowveld Bureau

NELSPRUIT — A police constable described to a Regional Court magistrate here yesterday how he was hit by shrapnel from a Russian-made hand-grenade.

Constable Hendry Maboi was giving evidence before Mr W J Wilken in the case in which Mr Frank Thebane is charged with having received terrorist training in Mozambique, Angola and East Germany. He alternatively faces 10 terrorism charges.

Appearing with him are Mr Thabo Prince Chilone and Mr

Patrick Elphus Mogale, who are charged with allegedly harbouring terrorists.

All have pleaded not guilty.

Constable Maboi said he and a group of policemen arrived at a house in the London Trust area near Bushbuckridge at about 2 pm last March 19. He and a colleague were about to enter when he noticed a "blue and green object" come from inside the house and land on the ground.

"I fell to the ground and covered my head and ears when seconds later a hand-grenade exploded," he said.

Shortly afterwards he fired shots at Mr Thebane as he saw him get through a fence and disappear in a nearby maize field.

Warrant Officer Julian Flores said he and Constable Maboi had gone to the back of the house.

After he heard someone give an instruction to those inside to come out with their hands up, he went inside. Seconds later he saw Mr Thebane throw a hand-grenade in his direction. It passed through the open door and exploded outside.

After Mr Thebane escaped through a fence, Warrant Offi-

cer Flores took Constable Maboi to a hospital at Bushbuckridge where doctors removed a piece of shrapnel from his head.

Then, acting on information, Warrant Officer Flores and a group of policemen visited a house in the Casteel Trust area later that night.

In a wooden shed they found quantities of Russian-made firearms, limpet mines, ammunition and code lists.

During the ensuing shootout, two alleged terrorists were killed.

The hearing continues.

Keenan 'crucial witness'

Prof defies ban to testify for accused

By Jo-Anne Collinge

Professor Jeremy Keenan of the University of the Witwatersrand, described as a vital witness in a mass squatter trial in the Bophuthatswana township of GaRankuwa, yesterday defied a ban on entering the homeland in order to be present in court.

Professor Keenan's action resulted in the summary trial and conviction of defence counsel, Mr Paul Shapiro, on a charge of contempt of court and the professor will appear on a similar charge on January 20.

Mr Shapiro, sentenced to R20 or 10 days' imprisonment, gave notice of his intention to appeal against sentence and to have the case reviewed. He was released and his sentence was deferred.

Mr Shapiro had told regional magistrate Mr L Els that the assistance of Professor Keenan of the Wits University Department of Development Studies was "absolutely crucial to the preparation of the (squatters') case. He is the main witness for the accused".

He said a notice prohibiting Professor Keenan from entering Bophuthatswana without a visa had been issued just four days before the hearing.

Mr Shapiro contended that Professor Keenan's key role was known to the State and that the homeland government's ban on him was an attempt to hamstring the accused in preparing their case.

He advised the court that there had been insufficient time to obtain a visa.

Mr Els decided there was a prima facie case of contempt against both Mr Shapiro and Professor Keenan. After a short

adjournment Mr Shapiro was tried and sentenced and Professor Keenan's case was postponed to allow him to consult a lawyer.

Earlier, prosecutor Mr B Groen had argued that Mr Shapiro had not been properly briefed because of another banning order affecting the instructing attorney. "These people sitting in this court today in effect have no attorney."

Mr Groen said that Mr G Maluleke of G S S Maluleke and Associates was banned from entering Bophuthatswana.

"He cannot effect practise (in Bophuthatswana)." Clients had to go to Kempton Park in "another country" to consult him.

Defence counsel pointed out that the Bill of Rights of the homeland guaranteed the accused legal representation of their choice. He said that Mr Maluleke had been banned from Bophuthatswana about three years ago and since then his firm had represented many people in the homeland's courts without his physical presence.

Only when he became involved in defending squatters, whom the State had declared it was determined to get rid of, was his status challenged.

"The distinct impression is that the State is attempting to deny legal representation to the accused," said Mr Shapiro.

The 50-odd accused, residents of the Jakkalsdams area of Winterveld, sat impassively through the morning's proceedings. Some were obviously bewildered by the trial of their counsel.

Their case was postponed to January 21.

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5/12/85
State witness
BUS DAY misled' court (331)

THE leader of the defence team in the treason trial in Maritzburg yesterday accused State witness ID de Vries, a lecturer at the Rand Afrikaans University, of giving misleading information in his report to the court.

Ismail Mahomed SC also accused De Vries of merely reading the ANC publication *Sechaba* "without having the expertise to make an assessment of its content."

Mahomed alleged that the cumulative effect of the misleading statements made the evidence unworthy of an academic doing serious research. — Sapa.

Bus DAY 6/12/85
Treason trial witness 'confused'

STATE WITNESS in the Maritzburg treason trial I de Vries told the court yesterday he had been confused about the exact role he had been meant to fulfil as an expert witness.

He asked Mr Justice A J Milne if he could read out a statement he had prepared.

Defence counsel leader Ismail Mahomed, SC, objected, saying De Vries was still under cross-examination and the information he

sought to give might affect the evidence.

He said one of the reasons for the court adjourning early on Wednesday was to discuss whether he should continue to cross-examine De Vries.

Judge Milne said De Vries would be given an opportunity to clarify his standpoint when the trial resumed. He postponed the trial to Monday. — Sapa.

Not enough expertise

Treason trial expert tells court he erred

STAR 5/12/85

331

MARITZBURG — The treason trial here was adjourned early yesterday for both sides to consider the position of an expert State witness who said his opinion could never be conclusive.

Mr Isaak de Vries, the key witness in the trial of 16 United Democratic Front and trade union leaders, also admitted under cross-examination that he had no expertise to assess the correctness of statements and acts in revolutionary literature.

His original task had only been to identify revolutionary-directed actions in revolutionary literature and in transcripts of meetings before the court.

Mr de Vries also admitted "fundamental mistakes" in his evidence that could have misled the court.

Defence team leader Mr Ismail Mahomed SC told Mr de Vries: "I want to prove you are a theoretician who has no factual background and no expertise to make statements or assessments."

On Monday Mr Justice J Milne asked Mr de Vries why he had not formed opinions on certain organisations' commitment to violence before the trial.

TWO SOURCES

Mr de Vries' admission came when Mr Justice Milne asked if he had found some organisations and people were involved in violent revolution. He said he had, but would be unable to draw a conclusion because of historical backgrounds and other factors.

Mr Mahomed also said a statement by Mr de Vries was "fundamentally incorrect" because he had attributed to the ANC a statement on the UDF that originated from two sources.

Mr Mahomed said the quotes came from an editorial in the same publication.

Mr Mahomed also asked why Mr de Vries had alleged in court that only ANC leader Mr Oliver Tambo had, in the publication, called for the formation of a United Democratic Front.

"Why did you not tell the court Mr Tambo denied making this statement?" he asked. Mr de Vries said he had erred and should have been more explicit.

"I have not said these statements are historically and factually correct. I said I have read these things in revolutionary literature."

Mr Mahomed accused Mr de Vries of having created the impression that what he had mentioned was fact.

The hearing continues. — Sapa.

More than 200 to be charged after police swoop

CAPE TOWN — More than 200 people are to appear in court on murder and public violence charges after a massive police and military operation in Oudtshoorn's Bongoletu township on Friday.

A series of political trials is also taking place in Oudtshoorn and George this week and next week.

A police liaison officer for the South-Western Districts, Major Eddie Snyman, said last night that 226 people were being held on charges of violence, and that other charges, including murder, were being investigated.

Major Snyman said there had been "various acts of public violence since November 16".

These included the death on November 22 of Mr Patrick Marirene, who allegedly had a burning tyre put around his neck.

"A black woman teacher is still unconscious in hospital after she was attacked last week," he said.

The woman was allegedly put on a pile of planks, covered with petrol and set alight.

A township resident claimed yesterday that among those in jail were a nine-year-old boy and one aged 10.

The resident claimed there were a number of children under 15 and a woman with a 10-month-old baby being held.

Major Snyman said it was "quite possible" that juveniles were among those being held.

He said one man was in detention for the alleged possession of explosives.

Two men are to appear in the Oudtshoorn Magistrate's Court tomorrow charged with organising a two-month consumer boycott of white shops.

Seven men appeared in court yesterday on charges of sabotage relating to alleged arson at a local high school. The hearing was postponed to Monday.

Five men are due to appear in court on charges of sabotage on December 13. — Sapa.

Cape Times 5/12/85

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Trial witness: 'No expertise'

MARITZBURG. — The treason trial here was adjourned early yesterday for the defence and the State to consider the position of an expert State witness after he said that his opinion could never be conclusive.

The key witness in the trial of 16 United Democratic Front and trade union leaders, Mr Isaak de Vries, also conceded under cross-examination that he had no expertise to assess the correctness of statements and acts published in revolutionary literature.

He said his original task was only to identify the presence of revolutionary-directed actions in revolutionary literature and in the transcripts of meetings that were before the court.

Mistakes

He admitted that he had made "mistakes" in his evidence that could have misled the court.

Defence team leader Mr Ismail Mahomed, SC, told him: "I have no secrets in this cross-examination. I want to prove that you are a theoretician who has no factual background and no expertise to make statements or assessments."

On Monday the Judge President of Natal, Mr Justice J Milne, also questioned Mr De Vries on why he had not

yet formed any opinions on the commitment of certain organizations to violence when it should have been done before the trial started.

Mr De Vries's admission of inconclusiveness came when Mr Justice Milne asked him if he had found that some organizations and people were involved in violent revolution. He said he had, but would be unable to draw a final conclusion because of their historical backgrounds and other factors.

'Incorrect'

Mr Mahomed also said that a statement by Mr De Vries was "fundamentally incorrect" because he had attributed to the ANC a statement on the UDF that had, in fact, originated from two separate sources.

Mr Mahomed also questioned why Mr De Vries had alleged in court that ANC leader Mr Oliver Tambo had in the publication called for the formation of a "united democratic front" when Mr Tambo "denied making this statement".

Mr De Vries said he had made a mistake and should have been more explicit. Mr Mahomed accused him of having created the impression to the court that what he had mentioned was fact.

The trial continues today. — Sapa

Key treason trial witness is indecisive

Mercury (331) 5/12/85

Pietermaritzburg Bureau

POLITICAL scientist Isaac de Vries, a key State witness in the treason trial here, conceded yesterday he could not give a conclusive opinion that 'certain individuals' in South Africa were consciously engaged in revolutionary violence.

Counsel for the defence and the State agreed to an early adjournment yesterday to consider the position of Mr de Vries, who is also doing a doctorate in political science at the Rand Afrikaans University.

Sixteen UDF and trade union leaders are charged with high treason for allegedly conspiring with the ANC in using their positions in various organisations in South Africa to overthrow the Government by violence.

After a day of Mr de Vries being cross-examined by the defence, Mr Justice Milne, Judge President of Natal, asked him if his research enabled him to give a 'final view if certain individuals or organisations were consciously commit-

ted to the violent overthrow of the Government'.

Mr de Vries said certain people were 'engaged in using revolutionary-directed symbols, but taking other factors into account, such as their history and the individuals' intent, I cannot say'.

He said his opinion 'could never be conclusive' regarding this matter.

During cross-examination Mr de Vries had said he had found that the Natal and Transvaal Indian congresses were not committed to violence but that certain people were part of a process of revolutionary violence.

He agreed with Mr Ismail Mahomed SC, for the defence, that people could contribute to revolutionary change by violence without intending to do so.

'The Government would deny it was promoting a revolution because this was not its intention when implementing its policies,' Mr Mahomed said.

Mr de Vries agreed that he had made a number of mistakes in his report on the 'Aims and methods of

the self confessed revolutionary movements in South Africa'.

Mr Mohamed described Mr de Vries as a 'pure theoretician' who had no 'expertise and had less knowledge than most laymen about facts about the black protest movement in South Africa'.

Mr Mahomed said the errors in the report were caused by 'carelessness and a totally impermissible academic approach'.

He accused Mr de Vries of misleading the Court by not informing the Court that an ANC publication had said Mr Tambo had denied having established the UDF.

Not true

Mr Justice Milne said Mr de Vries's report had left the Court under the impression that the ANC 'in all probability established the UDF'.

Mr de Vries said this was not the case and said from reading ANC literature it was possible the ANC had set up 'underground structures' in the UDF but not that it had established the UDF itself.

Mr de Vries said from 'general knowledge' he was aware that Dr Allan Boesak, a subsequent patron of the UDF, had been quoted in the Press in 1983 calling for a united front against the proposed tricameral parliament.

Important

This had occurred shortly after a Labour Party conference in Eshowe in 1983 had decided that the party should stand for election to the coloured House of Parliament.

Mr de Vries said he realised this was an 'important point' and would have later mentioned this to the Court.

He admitted he had mistakenly attributed to the ANC an article in Dawn (journal of the military wing of the ANC) Vol 7, 1983, where the writer called for people to support the UDF and had referred to the need for ANC 'underground structures' in the UDF.

Eight of the treason trialists are accused of participating in underground structures in the UDF in order to further the aims of the ANC.

Mr Mohamed pointed out that the article in Dawn was entitled 'Some thoughts on the UDF' by Zaks Khulu.

The trial continues today.

cat Tim's 5/12/85

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226 for trial after security raid

Staff Reporter

MORE THAN 200 people are being held in Oudtshoorn after a massive police and military operation in Bongoluthu township last week, and will appear in court on December 18 on charges of murder and public violence.

And a spate of political trials are taking place in Oudtshoorn and George this week and the next.

South-Western Districts police liaison officer Major Eddie Snyman said last night

that 226 people were being held on charges of public violence and that other charges, "including murder", were being investigated.

A township source said yesterday that "among those who are in jail are a boy who is nine and another who is 10".

The source said: "There are quite a number under 15 and there is also a woman who has a baby of 10 months."

Major Snyman said it was "quite possible" that juveniles were among those held, but he did not have details of how many in detention were men and how many women, or of the baby. It is prisons policy to keep breast-feeding mothers with their babies.

He said one man was being held for alleged possession of explosives.

In other political trials coming up in the area:

● Mr Humphrey Joseph, 29, and Mr Louis Noemdoe, 22, both workers on the community newspaper Saamstaan, are to appear tomorrow in Oudts-

hoorn Magistrate's Court on charges of subversion.

They have been in detention under Section 29 of the Internal Security Act since September 17 and September 11 respectively.

● Mr Daniel Stuurman, Mr James Joseph (brother of Mr Humphrey Joseph), Mr James du Plessis, Mr Almo Booysen, Mr Paul Barnard, Mr Hilton James and Mr Andrew Jacobs, who have been in detention for two months, appeared briefly in the Magistrate's

Court yesterday on charges of sabotage, after their attorneys were told they would appear only on December 13.

The hearing was postponed until Monday and has been transferred to George Magistrate's Court.

● On December 13, Mr Derek Grootboom, Mr Derek Basson, Mr Stephens Steenbok, Mr Robert Pritchard and Mr Julian Botha will appear in Oudtshoorn Magistrate's Court on charges of sabotage. They have been in detention for a month.

Judge tells of death threat as six freed

Seven men found guilty in ANC terrorism trial

STAR
6/12/85

331

MARITZBURG — Seven men were convicted under the Internal Security Act in the Estcourt terrorism trial yesterday, while another six accused went free.

The 13 were all alleged to be members of the African National Congress, and were charged in the Estcourt Circuit Court with terrorism.

Mr Justice Wilson found the first four accused, Wilfred Mapumulo (28), Robert Dumisa (26), James Marupeng (26) and Norbert Buthelezi (23), who demanded prisoner-of-war status and refused to participate in the proceedings of the trial, were active members of the banned African National Congress.

The fifth and sixth accused, Vusumuzi Nyawo (30) and Dumezweni Myeni (35), were found guilty of terrorism for aiding the first four accused in the furthering of their activities, which included recruiting and training residents of the Ingwavuma area in the use of military weapons.

The eighth accused, Boy Mvubu (39), should be convicted under section 54 (4) of the Internal Security Act for failing to report the actions of the other accused although he knew of their illegal activities, the judge found.

The remaining accused, Mr Bafana Mafu (35), Mrs

Nokuhamba Nyawo (64), Mr Bhekizazi Mthethwa (31), Mr Amos Mafuleka (21), Mr Joel Makhunga (27) and Mr Mfinywani Bamali (41) should all be discharged because they were entitled to the defence of necessity.

"They believed their lives would be in jeopardy if they did not take part in the activities of the group and for this reason, and for this reason only, they went for training in the bush," the judge said.

He said there had been evidence that the method of recruitment was aggressive in the extreme. A witness was told if he informed on other members he would be killed so brutally the nurse would vomit, the judge said.

Mr Ross Stuart, for the State, asked the judge to sentence the first four accused to life imprisonment, as had been done in a previous case, but Mr Denis Kuny SC, for the defence, said this was preposterous and a sentence of between 10 and 15 years would be appropriate.

A security policeman, Mr Hendrik Kotze, gave evidence as to the destructive capacity of the arms stashed in caches in northern Natal.

The trial was adjourned for sentence today. — Sapa.

CAP 6 Trials
6/12/88

Seven guilty in terror trial (331)

MARITZBURG — Seven men were convicted of terrorism under the Internal Security Act in the Estcourt Circuit Court yesterday, while another six accused went free.

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Mr Justice Wilson found that the first four accused, Wilfred Mapumulo, 28, Robert Dumisa, 26, James Marupeng, 26, and Norbert Buthelezi, 23, who demanded prisoner-of-war status and refused to take part in the proceedings, were active members of the banned ANC.

The fifth and sixth accused, Vusumuzi Nyawo, 30, and Dumezweni Myeni, 35, were guilty of terrorism for helping the first four in their activities, which included recruiting and training residents of the Ingwavuma area in the use of military weapons.

The seventh accused, Boy Mvubu, 39, was convicted under Section 54 (4) of the Internal Security Act for failing to report the actions of the other accused although he knew of their illegal activities.

The rest, Mr Bafana Mafu, 35, Mrs Nokuhamba Nyawo, 64, Mr Bhekizazi Mthethwa, 31, Mr Amos Mafuleka, 21, Mr Joel Makhunga, 27, and Mr Mfinywani Bamali, 41, were acquitted.

The judge said: "They believed their lives would be in jeopardy (if they did not take part in the activities of the group) and for this reason, and for this reason only, they went for training in the bush."

He said there had been evidence that the method of recruitment was "aggressive in the extreme". One witness was told that if he informed on other members he would be killed so brutally that the nurse would vomit.

The trial was adjourned for sentence today. — Sapa

A double as UDF 12 go free

Bus Day

6/12/85

TWO strokes of the pen in Cape Town and Durban yesterday bolstered the UDF's morale and capped a week of rising fortunes for the political mass movement.

□ In Cape Town, 12 detainees, including UDF and affiliate members, were released;

□ In Durban, a magistrate granted the UDF permission to hold a mass rally to launch a national Release Mandela Campaign. ANC leader Nelson Mandela's

PETER HONEY, SIPHO
NGCOBO and Sapa

daughter Zinzi and banned wife Winnie are expected to attend.

The moves follow the dropping of treason charges against 12 prominent UDF members in the Maritzburg Supreme Court on Monday.

The mass rally, expected to attract

● To Page 3

UDF men might sue State

had committed treason.

Addressing an International Human Rights Day gathering in Johannesburg yesterday, Saloojee said the charges against them "had to do with the resurgence of real opposition to the injustices of the apartheid system; it had to do with the emergence of the UDF; it had to do with the resistance that we are seeing all over the country.

"Instead of confronting the real problems they wanted to lay blame for the troubles in our country at the doors of so-

called agitators," he said.

Government had begun to act irrationally out of desperation because it sensed the majority wanted to be free, Saloojee said.

Albertina Sisulu, UDF joint president, called for the release of "authentic leaders", the withdrawal of troops from the townships and the lifting of the state of emergency.

Expert witness in treason trial was 'confused'

331

Mercury 6/12/85

Pietermaritzburg
Bureau

AN EXPERT on the ANC's methods in South Africa, Mr Issac de Vries, told the treason trial here yesterday he had been 'confused' about his role in giving evidence.

Mr de Vries said this before the Court adjourned for the day to allow the defence and the State time to discuss his evidence as well as 'certain other matters'.

This is the third time this week that the trial has been adjourned since Mr Ismail Mahomed, SC, for the defence, started his cross-examination of Mr de Vries on Monday.

Under cross-examination Mr de Vries said he could not say conclusively that certain individuals in the country were consciously engaged in revolutionary violence, and that his report to the Court about the ANC had some errors.

Mr Mahomed said that as a witness still under cross-examination Mr de

Vries could not be granted his request that he be allowed to tell the Court what he had understood his role as a witness to be.

Mr Mahomed said: 'One of the purposes of the adjournment was to consider whether I should pursue cross-examining the witness and I do not want Mr de Vries's statement to affect this decision.'

Mr Justice Milne, Judge President of Natal, told Mr de Vries that if cross-examination resumed he would be given an opportunity to make his statement.

Mr de Vries had given evidence in about 20 trials, the Court heard.

The trial continues on Monday.

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STEPHEN ROGERS

from R12m to R13,7m, to give total income of R29,89m (R23,7m).

Increased commissions largely contributed to the rise in marketing costs to R6,4m (R4,8m) leaving pre-tax income of R12,5m in the twelve months to June against R11,1m in the previous year.

The group's short-term insurance business turned in a loss of R2,2m after recording a profit of R579 480 in 1984.

Claims increased by R1m to R10,4m and administrative costs went up from R2,4m to R3m.



Iico h on res

INDUSTRIAL Investment Company (Iico) and its 69%-controlled subsidiary, Natal Chemical Syndicate (NCS), are considering restructuring proposals which, if implemented, may result in an offer by Iico to the minority shareholders of NCS.

In the brief statement yesterday Standard Merchant Bank said shareholders of both companies would be advised as soon as possible of the outcome of these discussions.

The directors declined to elaborate but it seems likely that the restruc-

go free

The trial began in earnest on October 21. Isaak de Vries, a political science lecturer, was the first witness.

De Vries later admitted having made "fundamental mistakes" in his evidence that could have misled the court.

It was after an adjournment during De Vries' evidence that the case was withdrawn against 12 of the accused.

The four who remain on trial are Saawu members accused of fronting for the banned SA Congress of Trade Unions: Thozinile Gqweta, Sisa Njikaleni, Sam Kikine and Isaac Ngcobo.

The 12 freed UDF members, accused of trying to further the aims of the ANC or the SA Communist Party and further revolution, are: Archie Gumede, Albertina Sisulu, Cassim Saloojee, Frank Chikane, Ismail Mohammed, Essop Jassat, George Sewpersadh, Mawa Ramgobin, Aubrey Mokoena, Curtis Nkondo, Moorogogh Naidoo and Paul David.

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'This is a political victory, not a normal acquittal' 19/12/85

By Jo-Anne Collinge

Six of the 12 United Democratic Front leaders cleared of treason by the Maritzburg Supreme Court arrived in Johannesburg yesterday evening declaring they had won no ordinary legal acquittal but a political victory.

The Johannesburg group and a further six Natal UDF figures were acquitted by Natal Judge-President Mr Justice J Milne of treason and various Internal Security Act offences. Both national presidents of the front, Mrs Albertina Sisulu and Mr Archie Gumede, were among those acquitted.

Charges against the remaining four trialists, all members of the UDF-linked South African Allied Workers' Union, stand.

Although the first of the 16 were charged about a year ago, evidence has been led only in the last six weeks.

The State's decision not to proceed with the prosecution of the 12 came after two adjournments last week during the cross-examination of the key State witness, Rand Afrikaans



Fond greetings and a bright garland for Wits mathematician Dr Ismail Mohammed.

UDF: Collapse of State case vindicates struggle

10/12/85 Poto
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University academic Mr Isaak de Vries.

One of the team of defence lawyers, led by senior counsel Mr Ismail Mahomed, explained that Mr de Vries's evidence had been the very foundation of the State's case. "When Mr de Vries crumbled under cross-examination, the foundation cracked too."

Last Wednesday Mr de Vries conceded he lacked the expertise to assess the correctness of statements in revolutionary literature. He said his original task in the case had been to identify revolutionary-directed actions in revolutionary literature and in transcripts of meetings before the court.

Defence counsel took particular issue with Mr de Vries's statement that the late Dr Yusuf Dadoo had committed the Natal Indian Congress and the Transvaal Indian Congress — both UDF affiliates with which several accused were closely linked — to violence.

The defence contended that the TIC and the NIC were not even in existence at the time Dr Dadoo was alleged to have done this. When the TIC was later reconstituted, it had specifically inserted a clause in its constitution committing it to non-violence.

The court was told that Mr de Vries had never consulted TIC or NIC minutes, attended their meetings or consulted their members. He had relied only on literature.

Advised of the State's decision to halt proceedings against the 12, Mr Justice Milne then passed judgment, acquitting them all.

Those acquitted are: Mrs Sisulu (66), Mr Gumede (70), Mr Mewa Ramgobin (52), Mr Cassim Saloojee (49), Mr Curtis Nkondo (56), Mr Frank Chikane (34), Mr George Sewpershad (43), Mr MJ Naidoo (53), Mr Aubrey Mokoena (37), Dr Essop Jassat (52), Mr Paul David (40) and Professor Ismail Mohammed (54).

Still facing charges of treason, terrorism and furthering the aims of a banned organisation are: Mr Sam Kikine (36), Mr Thozamile Gqweta, Mr Isaac Ngobo (36) and Mr Sisa Njikalen (29).

By Jo-Anne Collinge

A whole style of political struggle — the mass-based, open opposition of the United Democratic Front — was on trial at Maritzburg and the virtual collapse of the State's case would give people confidence to continue to fight apartheid in this fashion, says former UDF treasurer Mr Cassim Saloojee.

He was speaking yesterday as he and five other former treason trialists emerged from a throng of singing supporters who greeted them at Jan Smuts Airport when they returned home after acquittal.

"We desperately want to bring about peace and we want to go on struggling non-violently," Mr Saloojee said. But, he added, the key to peace remained in the State's hands.

Despite the legal setback the Government could — and did — use various forms of banning and detention to silence its opponents, he said. It also was futile to expect peace in the town-

ships until the Government itself refrained from killing civilians.

The Transvaal Indian Congress, a UDF affiliate which had two leading members among the trialists, commented in similar vein: "We demand that those acquitted not be harassed further, either by redetention or restrictive orders."

"Such vindictive action by the State would be nothing less than total disrespect of their own court's decision," read the TIC statement.

OPPRESSED MAJORITY

TIC acting publicity secretary Mr Ashwin Shah said the organisation was not surprised at the acquittal of leaders who, far from committing any crime, were voicing the aspirations of the oppressed majority.

Former UDF national executive member the Rev Frank Chikane said he believed there had never really been a legal case. "It was a political action designed to punish us. And when they



A welcome home hug and a kiss for United Democratic Front president Mrs Albertina Sisulu from Transvaal Indian Congress member Mr Ashwin Shah.

● Pictures by Kevin Carter.

tried to put this into legal terms it basically didn't work out."

Professor Tony Mathews of the University of Natal Law School in Maritzburg said: "I find it significant that even under very broad (security) laws the State has been compelled to withdraw its charges against the greater number of the accused in the treason trial."

Lawyers for Human Rights Natal chairman Mr Mike Cowling said: "The Government is increasingly using its vast battery of security legislation to suppress what would normally be regarded as legitimate political opposition. Despite the fact that the laws are so widely phrased that virtually any criticism of the Government could be construed as a criminal offence, the State has nonetheless failed to make out even a basic case against these people."

The six Johannesburg trialists acquitted yesterday will be resuming not only their political responsibilities but will be returning to the occupations which ensure their livelihoods. They include a doctor, a theologian, a welfare administrator, a businessman, a nurse and an educationist.

IMPORTANT JUDICIAL ROLE

In Washington, reports The Star Bureau, the dropping of the charges was described by State Department official Mr Charles Redman as an "encouraging development demonstrating the importance of the role of South Africa's judiciary."

"It also meets an important point we have been making — political negotiations are vital and can only take place in an atmosphere where spokesmen for black opinion are free to participate." The US Government remained concerned about the other four defendants, he added.

Reagan administration officials have this year highlighted the role of South Africa's judiciary, specifically the superior courts, a few times.

The Los Angeles Times report from South Africa described the acquittal of the 12 as a "major political setback for the minority white Government" which "leaves in shreds" the frequent Government contention that radicals were trying to establish a revolutionary climate in South Africa.

The Washington Post reported that the collapse of the case had already exposed the South African Government to the charge that it was using the courts as an extension of its detention system, bringing poorly-based charges against legitimate political opponents simply to put them out of action.

CAP T-125 10/12/83

5 members of PAC guilty of terrorism

JOHANNESBURG
Sentence is expected to be passed today on five Pan Africanist Congress (PAC) members who were yesterday found guilty of terrorism under the Internal Security Act.

Appearing before Mr L. Kotze in the Benoni Regional Court were Mlandeli Ketye, 30, of Mdan-tsane, Elby July, 26, of Kimberley, Michael Mosaña Gqamana, 23, of Port Elizabeth, and Bonise Nkabinde, 23, of Soweto.

Jan Schoba, 26, of Pretoria, was in hospital and convicted in his absence.

They had pleaded not guilty.

The court found that they were members of banned PAC and had undergone military training. They has also recruited people for training in sabotage and warfare.

Schoba was found guilty of being in possession of an unlicensed firearm and 40 rounds of ammunition.

Nkabinde was found guilty of being in possession of a forged passport, which he used to enter South Africa from Botswana.

They also promoted the PAC's aims and objectives. — Sapa

UDF 12 go free

← From Page 1

that freedom will come to South Africa, to all its people." (33)

Mr Mewa Ramgobin was hugged by his daughters while other former trialists were congratulated by a small band of well-wishers who were stunned when the charges were withdrawn.

A spokesman for the former trialists that they would meet with their lawyers to decide whether they should take legal action against the Minister of Law and Order for unlawful detention.

A meeting to welcome the 12 acquitted leaders of the United Democratic Front will be held at Khotso House, Johannesburg, today.

The meeting is arranged by the UDF and its affiliates, and will begin at 1pm.

Meanwhile, the Transvaal Indian Congress (TIC) has hailed the decision in the Maritzburg Supreme Court while condemning the reasons to charge them and called on charges to be withdrawn against four remaining leaders.

In a statement the TIC said: "The decision to acquit our leaders bears testimony to our allegations that the trial is part of the State's campaign to render the democratically elected TIC and other UDF affiliates defunct."



Cape Times 10/12/85

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'The struggle continues'

MARITZBURG. — The 12 treason trialists who were unexpectedly released yesterday morning in the Maritzburg treason trial have said their non-violent struggle for justice, peace and democracy in South Africa will continue.

The Natal Attorney-General, Mr. Michael Imber SC, appeared at the trial for the first time yesterday to withdraw charges against the 12 United Democratic Front leaders. The four trade unionists still face charges and are to appear in court next year.

Mr Justice Milne, Judge

President of Natal, said the behaviour of the 12 "is an example to others" but he urged them to restrain themselves from "very natural and understandable relief" until they were outside.

The judge said: "What is about to happen may be thought appropriate to the season. I find you not guilty of the charges."

Mr Mewa Ramgobin, Durban insurance broker and

national treasurer of the UDF, said the ruling placed in question security legislation and the trial had highlighted how police and their informers provided information which led to people being detained and banned.

Outside the courtroom, there was near pandemonium as the former accused were hugged, kissed and applauded by counsel, rela-

tives and friends.

Mr Archie Gumede, UDF president, said afterwards he and fellow president Mrs Albertina Sisulu would continue their leadership role for as long as the people desired.

A spokesman for the 12 said they would meet their lawyers to decide whether to take legal action against the Minister of Law and

Order, Mr Louis le Grange, for unlawful detention.

Dr Essop Jassat, president of the Transvaal Indian Congress, thanked the judicial system for their freedom.

Clare Harper reports from Johannesburg that seven of the freed trialists arrived at Jan Smuts Airport later to a jubilant welcome from friends and relatives.

The seven who returned to

Johannesburg yesterday are Dr Jassat, UDF executive member Mr Aubrey Mokoena, Neusa president Mr Ephraim Mkhondo, Mrs Sisulu, the Rev Frank Chikane, UDF national treasurer and TIC publicity secretary Mr Cassim Salofee and the vice president of the Transvaal UDF, Prof Ismail Mohammed.

Those in Natal who had charges against them dropped are Mr Gumede, Mr Chanderdo, Sewpershad, Mr Moorogah Naidoo, Mr Paul David and Mr Ramgobin. — Sapa and Own Correspondents

Release of 12 treason trialists a political victory — UDF

THE UDF hailed the freeing of 12 of its leaders from treason charges in the Pietermaritzburg Supreme Court yesterday as a political victory.

Seven of the 12 flew into Johannesburg's Jan Smuts airport to a jubilant welcome from about 100 relatives and supporters last night.

In a statement on their arrival, UDF national treasurer Ashraf Cachalia called for charges to be dropped against the

remaining four Pietermaritzburg trialists, and also against the 22 people on trial for treason in Delmas.

He also demanded the immediate and unconditional release of all political prisoners.

Railways policemen with dogs kept well-wishers and the media away from the arrival gate as supporters chanted freedom songs and shouted UDF slogans. Those who arrived in Johannesburg

PETER HONEY, LINDA ENSOR
and JOHN BATTERSBY

were UDF president Albertina Sisulu, treasurer Cassim Saloojee, Transvaal vice-president Frank Chikane, Transvaal anti-President's Council committee member Ismail Mohammed, Transvaal Indian Congress president Essop Jassat, UDF regional vice-president Curtis Nkondo and National executive member

Audrey Mokoena.

Others released yesterday were UDF president Archie Gumede, Natal Indian Congress president George Seapersath, national co-treasurer Mewa Ramogobin, UDF member Paul David and Natal Indian Congress vice-president Moosogh Naidoo.

Those still facing treason charges in Pietermaritzburg are all members of the SA Allied Workers' Union: national presi-

dent Thozamile Gqweta, general secretary Sisa Njikaleli and members Sam Kikine and Isaac Ngcobo.

UDF treasurer Cassim Saloojee said it had become apparent that charges would be withdrawn when the state's expert witness had been "discredited"

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News Focus — Page 7

Court frees 12 treason trialists

last week.

"This was not simply a trial against us but against the UDF and the whole style of struggle and mass protest of the last two years.

"We see it as a political victory," he said.

Saloojee said government now had "an historic opportunity" to enter into dialogue with the real leaders of the people.

The withdrawal of charges against the 12 was widely welcomed in London yesterday.

First reactions came from the British

government and the London-based Anti-Apartheid Movement (AAM), which heralded the decision as a "great breakthrough".

A British Foreign Office spokesman said the government welcomed the development.

"We had expressed our concern to the SA government at the time the UDF leaders were arrested and charged."

CAPE TIMES
sday, December 10, 1985

Changes to Herald charges

Own Correspondent

PORT ELIZABETH. — The magistrate presiding over the trial of the editor of the Eastern Province Herald and a reporter on a charge under the Police Act, yesterday granted an application by the State to amend the charge sheet.

It was to read that the two journalists were employees of South African Associated Newspapers (SAAN).

The State also dropped charges against EP Newspapers as a corporate body in whose interests it had alleged Mr J C Viviers and Miss Juliette Saunders had acted.

Mr Viviers and Miss Saunders are charged with contravening Section 27(b) of the Police Act in that they allegedly published statements about the police without having reasonable grounds for believing them to be true.

'Defective'

The move by the State followed argument by the defence at the last hearing that the charge sheet was "fatally defective" in that it charged the two journalists as agents of EP Newspapers Ltd, a company which no longer existed.

It was argued that at the time of the commission of the alleged offence, the Herald was no longer owned by EP Newspapers.

Mr Mike Hannon, SC, for the defence, said the change of name would be substantially prejudicial to the defence's case. If they had been properly charged from the start the defence would have adopted a different approach to the trial.

The magistrate, Mr J D Moony, said the court was not persuaded that the amendment would be prejudicial to the accused.

Adjournments

He said adjournments would be granted if the defence sought to re-examine witnesses who had already testified.

Captain M D Dippenaar, stationed in Pretoria and attached to the police directorate of public relations, testified that he was on duty in the directorate office on November 9, 1984.

He said he was telephoned by the Herald on November 9 in connection with incidents in Grahamstown that day following a funeral.

He said he told the Herald of five or six incidents where police used teargas and rubber bullets after stones were thrown. He also mentioned a number of arrests. He said the full text of the report was not read to him or telexed.

Orders

Police had strict orders, he said, not to comment on reports read to them over the phone. The procedure was for reports to be sent to them by telex.

Extracts of the report were read to him by the prosecutor yesterday. He denied that a statement that police had used a sneeze machine on the procession had been put to him by the Herald for comment.

He also denied that a statement that reporters had seen police come down from a ridge from different directions and used tearsmoke had been put to him.

The trial continues today.

Cape Times 10/12/85

Gruesome details of Uitenhage killings

Own Correspondent

GRAHAMSTOWN. — Graphic details of injuries to five of six Uitenhage residents who met gruesome deaths when a rampaging mob destroyed an undertaker's complex in KwaNobuhle on March 23 were given in the Supreme Court here yesterday.

Dr W Verschuur, Uitenhage's district surgeon, who conducted post-mortems on Mr Benjamin Kinikini, 57, Mr Silumko Kinikini, 20, Mr Eric Kinikini, 22, Mr Qondile Kinikini, 18, and Mr Zolisile Pram, 20, was the first State witness in the trial of 10 people charged with their murder.

Body never found

The body of a sixth victim, 13-year-old Stanley Kinikini, was never found. It is believed that, after he was battered on the head with rocks, his body was hurled into the blazing complex.

Asked about Mr Benjamin Kinikini, Dr Verschuur said he was unable to say what caused his death. He saw what appeared to be the remains of a human being — a small pile of ash and bone.

Replying to Mr J N M Poswa, who is appearing for the 10 accused, he said it would not have been possible for anyone to have identified the deceased (Mr Benjamin Kinikini) from the remains.

There had been almost total carbonization of the body of Mr Silumko Kinikini, whose right leg and arms had been amputated, probably by an axe.

All of the ribs had been fractured, 25 percent of the head was missing and the sexual organs had been burnt off.

Some of the wounds may have been caused after death.

Mr Eric Kinikini, who died from brain injuries, received deep burns all over the body. The back of his head had been bashed in and his genitals mutilated.

Mr Qondile Kinikini's death was caused by brain damage and a deep neck wound. There were severe burns on 98 percent of his body and his left arm had been practically severed. He also had serious facial, head and throat wounds.

Massive stomach wound

Brain injuries also caused the death of Mr Pram, whose head and upper body were carbonized. His intestines had spilled out of a massive stomach wound and the district surgeon found the tip of the handle of a 20-cm knife protruding from his mouth. The knife, which was handed in as an exhibit, was lodged in the man's throat.

The trial was adjourned to today, when the court will inspect the scene of the killings.

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Appearing before Mr Justice T M Mullins on six charges of murder and one of public violence are Moses Jantjies, 21, Mlamli Mielies, 22, Luncile Bobby, 22, Tobile Mahlahla, 19, McQondo Vena, 26, Zandisile Ndwanya, 18, a youth of 17, two of 16 and one of 15.

Freeing of UDF 12 is welcomed

Pietermaritzburg Bureau

THE State's decision here yesterday to withdraw charges against 12 United Democratic Front leaders accused of treason was greeted in legal circles as being further evidence of the importance of the courts to decide the fate of detainees rather than the Internal Security Act.

The UDF said in a statement after the trial that they feared the Government would retaliate

by banning or restricting those involved.

The dropping of charges against 12 of the 16 people faced with treason and other charges, led to jubilant scenes after the trial was adjourned to February 3 to continue the case against the remaining four.

The four are: Richard Gqweta, 33, national president of Saawu, Sisa Njikaleni, 29, general secretary of Saawu, Sam Kikine, 36, general secretary of the union in Durban, and Duze Ngcobo, 36, treasurer of Saawu.

Mr Justice Milne, Judge President of Natal, found the 12 not guilty of plotting with the ANC to overthrow the Government by violence.

'Importance'

The 12 who were released are Mr Mawalan Ramgobin, 52, Mr Chandro Sewpershad, 43, Mr Moorogih Jayahajapathy Naidoo, 53, Dr Essop Essack Jassat, 52, Mr Dundubela Aubrey Mokoena, 53, Mr Ephraim Curtis Mkondo, 56, Mr Archibald Joseph Gumede, 70, Mr Devadas Paul David, 40, Mrs Albertina Sisulu, 66, the Rev Frank Chikane, 34, Mr Cassim Saloojee, 49, and Prof Ismail Mohammed, 54.

Mr Graham Cox, president of the Association of Law Societies of South Africa, said the withdrawal of all charges against the 12 demonstrated the importance for courts to decide who should be granted bail, and this should not be left to the Attorney General.

In May this year Mr Justice Milne, Judge President of Natal, ruled that Mr Mike Imber, SC, Natal's Attorney General, must withdraw his certificates issued under the Internal Security Act, preventing the 16 being granted bail.

This enabled the 16 trialists to be released from detention under the Internal Security Act with bail totalling about R170 000.

'Vindicated'

Mr Mike Cowling, for the Lawyers for Human Rights, said: 'This case shows the dangers of conferring wide powers under the Internal Security Act to executive officers such as the Attorney General'.

He said the acquittal of the 12 had 'vindicated the Court's decision to intervene and overrule the Attorney General's decision'.

Mr Billy Nair, spokesman for the UDF, said the dropping of charges against the 12 was a 'victory for all those who support the UDF's principles for a free, non-racial and democratic South Africa'.

For veteran activist Mr Archie Gumede, 70, a co-president of the UDF and one of the 12, this was the second time he has been acquitted of treason.

Mr Gumede was one of 156 people tried for treason in a three-year trial which started in 1956 in which all the accused were found not guilty.

Six of the 12 had expected to celebrate the first anniversary of their arrest and detention today.

After the six-person defence team had told the 16 of the State's decision to drop charges, they entered the courtroom and the atmosphere in the Court became charged with excitement and anticipation which was soon passed on to members of the public.

After waiting for Mr Justice Milne to begin the session, the Court was adjourned for 35 minutes because accused Mr Kikine had not arrived in court.

Silence broken

When the Court was reconvened and Mr Kikine was still absent from the dock, Mr Justice Milne started to make an order concerning the accused's absence but the silence was suddenly broken when Mr Kikine rushed into court with a suitcase and took his seat.

After the submission by Mr Imber that the proceedings be stopped and all charges dropped against the 12, Mr Justice Milne addressed the accused saying their behaviour in the courtroom 'is an example to others' but asking them to restrain themselves of 'the very natural and understandable relief resulting from his ruling until they were outside'.

Mr Justice Milne said: 'What is about to happen may be thought appropriate to the season. I find you not guilty of the charges.'

Our London Bureau reports that the withdrawal of charges against the 12 was widely welcomed in Britain yesterday.

The first reaction came from the British Government. A Foreign Office spokesman said the Government welcomed the development.

'We hope the decision will improve the prospects for reconciliation and for the genuine dialogue about the political future for South Africa for which we and our partners in Europe, and the Commonwealth, have repeatedly called.'

News of the withdrawal of charges against the 12 was the main item on the BBC's World at One yesterday and was prominently reported on television news broadcasts.

Mrs Helen Suzman, M P, who is visiting Britain, told the BBC the decision was a tribute to the independence of the judiciary in South Africa.

Dispatch
Correspondent

PIETER MARITZBURG — The state's decision to withdraw charges against 12 of the 18 United Democratic Front leaders accused of treason here yesterday was greeted in legal circles as further evidence of the importance of the courts to decide the fate of detainees rather than the Internal Security Act.

The UDF said in a statement after the trial that they feared the government would retaliate by banning or "restricting" those involved in the trial.

The trial was adjourned until February 3 to continue the case against the remaining four: Mr Richard Gqweta, 33, national president of the South African

Charges against UDF 12 dropped

Allied Workers Union (Saawu), Mr Sisa Njikaleni, 29, general secretary of Saawu, Mr Sam Kikine, 36, general secretary of the union in Durban, and Mr Duze Ngcobo, 36, treasurer of Saawu.

Mr Justice Milne, Judge President of Natal, found the 12 not guilty of plotting with the ANC to overthrow the government.

The 12 who were released are Mr Mewa Ramgobin, 52, Mr Chanderdo Sewpershad, 43, Mr Mooroghi Jayahajapathy Naidoo, 53, Dr Essop

Essack Jassat, 52, Mr Dundubela Aubrey Mokoena, 53, Mr Ephraim Curtis Mkon-do, 56, Mr Archibald Joseph Gumede, 70, Mr Devadas Paul David, 40, Mrs Albertina Sisulu, 66, the Reverend Frank Chikane, 34, Mr Cassim Saloojee, 49, and Professor Ismail Mohammed, 54.

Mr Sewpershad, president of the Natal Indian Congress, echoed the feeling of his other 11 co-accused when he said afterwards, "The struggle goes on".

Mr Billy Nair, spokesman for the UDF, said the dropping of charges was a "victory for all those who support the UDF's principles for a free, non-racial and democratic South Africa".

Reaction page 2

Picture page 9

Nelspruit terror trial told of letters found in prison cell

Lowveld Bureau

NELSPRUIT — A Prisons Department officer yesterday told a Regional Court magistrate he had discovered letters in the cell of a man being held in terms of the Internal Security Act.

Major Reinier Smal, head of the Nelspruit Prisons Department, was giving evidence in the trial of Mr Patrick Elphus Mogale, charged with harbouring a terrorist. Appearing with him are Mr Frank Thebane, who allegedly received training in Mozambique, Angola and East Germany, and Mr Thabo Prince Chilone, also charged with harbouring terrorists.

Their appearance in court follows the discovery of quantities of Russian-made weapons and ammunition in a shack near Hazyview on March 19 this year. During a shootout two alleged terrorists were killed.

Major Smal told the court he and a Warrant Officer Strydom searched Mr Mogale's cell on April 14 this year. He found a number of letters written in English and one in Zulu. An interpreted version of the Zulu letter, addressed simply to "Judas", was produced in court. The following are extracts from the letter:

"Greetings. I am still well and alive although it is difficult. It happened this way during November. I met with these boys at Acornhoek. In fact I wanted those weapons. At the moment I have two, one pistol and one AK-47 with 120 bullets.

"On March 20 at 6.30 am the Germans arrived at the house. The boy who was with us took the Makarov pistol ... and four hand-grenades. Things were bad during the shooting that took place. They hit the house with grenades, then the boy shot himself and died.

"They found the pistol he had, one hand-grenade and my double-barrelled rifle which was under the mattress. I explained it belonged to that boy. Well it seems they believe it slightly.

Major Smal said Mr Mogale had probably hoped to smuggle the letter out of prison.

The hearing continues.

No end in sight to De Jonge affair

11/12/85

PETER HONEY

DUTCH fugitive Klaas de Jonge, holed up in the old Netherlands Embassy in Pretoria for nearly five months, is almost certainly dreaming of a white Christmas.

De Jonge, wanted by SA police for alleged ANC arms running, spends his time writing, reading or exercising as he awaits the outcome of negotiations between Pretoria and The Hague over his fate. There is speculation he is writing a book about his experiences.

Last week he annoyed the embassy's newly-appointed first secretary Willem Simonsz by pasting posters on his window, on the first floor of the Ned-bank Building, calling for an end to apartheid and freedom for political prisoners.

The posters were removed hurriedly when Dutch officials noticed them, and since then De Jonge has occasionally tried to flirt with women in offices in an adjacent building.

Estimates put the cost of his asylum to SA and Dutch taxpayers at more than R500 000, including salaries for security guards and telegraphic messages. Dutch officials will not say whether they intend billing De Jonge for the costs.

Recent statements by Dutch negotiators suggest some sort of solution to the affair is on the cards. The Hague has not denied speculation about a tentative deal to allow SA security police to question De Jonge and then to deport him after facing trial in SA.

But nobody is suggesting a solution this month, which could mean De Jonge's white Christmas will have to remain a dream.

STAR
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**Sentence on
5 postponed**

East Rand Bureau

Five Pan Africanist Congress (PAC) members who have been found guilty on charges of terrorism and charges under the Internal Security Act will be sentenced in the Benoni Regional Court on Friday.

Mr L Kotze postponed sentencing Mlandeni Ketyi (30), of Mdatsane; Elby July (26), of Kimberley; Michael Mosana Gqamana (23), of Port Elizabeth; and Bonise Nkabinde (23), of Soweto; because the fifth accused, Jan Shoba (26), of Pretoria, was in hospital.

In mitigation, Mr R Selvan SC, for the defence, said his clients were members of the PAC and that since 1982 no acts of violence had been committed by the organisation.

He also said that they had not entered South Africa armed.

Mr Selvan asked that a minimum sentence of five years be imposed. He explained that the men had already spent almost a year in custody.

Editor points out pitfalls in Press curbs

11/12/85 331

PORT ELIZABETH — The editor of the *Eastern Province Herald*, Mr J C Viviers, said in the Port Elizabeth Magistrate's Court yesterday that Section 27(b) of the Police Act, under which he is charged, was a Draconian measure which placed stringent constraints on newspapers reporting matters involving police action.

Mr Viviers, who is charged with a reporter, Miss Juliette Saunders, was the first defence witness after the State closed its case.

They are alleged to have published statements about the police without having reasonable grounds for believing them to be true.

Mr Viviers said that during times of unrest, many reports had been written about police activity. He had taken steps — guidelines were issued and updated from time to time — to ensure that staff at the *Herald* was familiar with the provisions of Section 27(b) and the problems it posed when it came to reporting on police action.

SEVERAL REFERENCES

The most important of these was that allegations against the police had to be put to the force specifically for comment and fully reported.

Mr Viviers said he had made reference several times to an agreement between the Newspaper Press Union and the police which stipulated there would be no prosecution if police comment was included in a report.

He said the news staff depended entirely on the police Directorate of Public Relations for comment.

There had been instances, he said, when information received from the police was incorrect.

Mr Viviers, in describing the delegation of duties from editorial management, said he had total trust in the reporters in the Grahamstown office — Miss Jennifer Hyman, who paid an admission-of-guilt fine, and Miss Saunders.

He had known a report on unrest was due from Grahamstown one night, but had not seen it until it had been published, nor did he expect it needed any special attention because unrest in the Eastern Cape was reported as a matter of course.

LAW AND ORDER

All steps possible were taken to ensure that the disputed report was accurate, he said.

Replying to questions by Mr H van der Walt, for the State, about prominence given to stories dealing with allegations, he said the Press had a duty as a watchdog to see that justice was done in the maintenance of law and order, but conceded that there was often overreaction regarding police actions.

The disputed statements published included:

- Eyewitnesses alleged that police used sjamboks on teenagers at a funeral scene.

- According to an eyewitness the crowd had just reached the turn-off to the cemetery when a police sneeze machine was used at the tailend of the procession.

- Within minutes, reporters saw police vehicles move down from the ridge and from different directions, tear smoke was fired at the crowd.

The hearing continues.

Treason trial: 'Govt was embarrassed'

The Star Bureau

LONDON — Because the treason trial prosecution withdrew its charges before the bench was called upon to give a verdict, it was not the judiciary which has embarrassed the South African Government, but rather the Government itself, says the British newspaper *The Guardian*.

Not only was the State doing the prosecuting, says a leading article in the newspaper yesterday, but it also decided to bring the charges in the first place.

The article says the Government had tried to blame the UDF for the disorder which has so often accompanied it.

"The trial was wholly political."

If the Government had had its way, the accused would have been detained indefinitely without charge or trial under the Internal Security Act, as it tried to do in September 1984 with the Durban Six.

Its only gain was to keep the UDF leaders out of circulation for more than a year. "The Government would be much better occupied talking with these people instead of locking them up," the newspaper adds.



At the Kwanobuhle inspection were, from left, Mr E Logie, an assessor; Mr C Nel, State counsel; Mr B P Loots, an assessor; Mr Justice T Mullins; Mr C Poswa and Mr H Naidu, defence counsel. The funeral parlour is in the background.

'He must roast' — 1 000 people shout death threats

Argus Bureau
PORT ELIZABETH. — People shouted death threats at a murder trial witness when the court inspected the scene of the deaths in Kwanobuhle township near Uitenhage.

The alleged witness to the killing of members of the prominent Kinikini family trembled yesterday when he heard cries of: "We'll get you" and "He must roast".

Additional troops and police were called during the inspection.

About 1 000 people surrounded the inspection party, some dancing and ululating and others shaking their fists.

The visit, led by Mr Justice T M Mullins, with his two assessors, Mr E A Logie and Mr B P Loots, was to the area where Mr Benjamin Kinikini, 57, Mr Silumko Kinikini, 20, Mr Eric Kinikini, 22, Mr Qondile Kinikini, 18, and Mr Zolile Pram, 20, were slain.

The body of a sixth victim, 13-year-old Stanley Kinikini, has not been found.

Two police vans carried the 10 accused — Moses Jantjies, 21, Mlamli Mielies, 22, Luncile Bobby, 22, Tobile Mahlahla, 19, Macqondo Vena, 26, Zandisile Ntwanya, 18, a youth of 17, two of 16

and one of 15. All face six charges of murder and one charge of public violence.

The court party inspected the charred shell of the Kinikini funeral parlour complex in Jongilanga Street.

Members of the inspection party were shown the spots where the badly burnt bodies of Mr Benjamin Kinikini and Eric and Qondile Kinikini were found at the back of the parlour.

The bodies of Mr Pram and Mr Silumko Kinikini were found in Mabandla Street behind the parlour.

The hearing continues today.



In a tense encounter yesterday armed security forces stood guard while the court trying 10 people for the murders of members of the Kinikini family carried out an in loco inspection in Kwanobuhle, Uitenhage.

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CHT Times 11/12/85

Editor:
Police Act
draconian

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Own Correspondent

PORT ELIZABETH. — The editor of the Eastern Province Herald, Mr J C Viviers, said in the Magistrate's Court here yesterday that Section 27(b) of the Police Act, under which he is charged, was a draconian measure which placed stringent duty on newspapers reporting on police action.

Mr Viviers and a reporter, Miss Juliette Saunders, are alleged to have published statements about the police without having reasonable grounds for believing them to be true.

Mr Viviers said the Herald had devised a variety of guidelines to be followed when dealing with a report involving police activity. Most important was that allegations against police had to be put to them specifically for comment.

Depended

Police should be given the full version of the allegations and the context in which they were made. Whatever the police said should be reported fully.

He said the news staff depended entirely on the police directorate of public relations for police comment.

There had been instances, he said, when information received from the police was incorrect. There had been cases where the number of injuries or deaths in unrest situations, including people killed by police action, had been inaccurate — too few or too many.

The Herald had also found that the police directorate often did not have details about police action and could confirm events only the next day.

In other instances police had acknowledged when presented with facts by the Herald staff that their information was incorrect.

A State witness, Captain M D Dippenaar of the police directorate of public relations in Pretoria, said under cross-examination by Mr Mike Hannon SC for the defence, that the directorate received its information on police action around the country from a central operations office in Pretoria.

30 calls

Information from various areas was telexed to the directorate. This was gathered for police generals who had to form strategy in the event of further unrest.

He said he had not heard of an instance where information the directorate had received was incorrect, after Mr

the Kannemeyer Commission in which critical remarks were made about the accuracy of information made available to the Minister of Law and Order, Mr Louis le Grange.

He said that on the night of November 9 he received about 30 calls from various newspapers countrywide.

He did not remember any other telephone call as well as he did the one from the Herald.

He conceded that his recollection of what transpired during the conversation might not be accurate because he did not take notes and never made a statement.

Beerhall

Asked about a statement in the report that police could not confirm that a beerhall in Fingo Village had been gutted, he said it was highly unlikely he would have omitted to comment on or to mention the incident because it had been on his list of information for the press.

The charges stem from the Herald's coverage of the funeral of an unrest victim in Grahamstown on November 9.

The disputed statements are:

- Eyewitnesses alleged that police used sjamboks on teenagers at the scene.

- According to eyewitnesses, police confiscated Azapo and Azasmo banners held by people in the crowd.

Ridge

- According to an eyewitness, the crowd had just reached the turn-off to the cemetery when a police sneeze machine was used towards the tailend of the procession.

- Within minutes reporters saw police vehicles move down from the ridge and from different directions, tear smoke was fired at the crowd.

- According to eyewitnesses in the crowd, police also fired rubber bullets and birdshot. One eye-witness said he then saw several youths pick up stones and run towards Raglan Road.

- A couple of youths were sjambokked by police, according to a resident who watched the incident.

The trial continues today.

Hannon read him an ex- from

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Boesak passport: 'No reasons needed'

Supreme Court Reporter

EVEN if the Minister of Home Affairs, Mr Stoffel Botha, acted on "wrong information" in withdrawing Dr Allan Boesak's passport, it did not "change the situation one iota", the Supreme Court, Cape Town, was told today.

There had been "no suggestion" that the Minister had acted with male fides (in bad faith), Mr P Hodes, SC, for Mr Botha, said.

Dr Boesak, United Democratic Front patron and president of the World Alliance of Reformed Churches, is seeking a court order to overturn the withdrawal of his passport on November 4.

He claims that Security Police "misled and misinformed" the Minister and that there was an attempt to "silence" him.

The matter is being heard by a Full Bench and is opposed by Mr Botha and the regional representative of the Department of Home Affairs.

Mr Hodes said that although it had been shown that certain Security Police information

was wrong, Mr Botha had studied reports from various sources before taking his decision.

He had "absolute discretion" to withdraw or cancel passports and did not have to give reasons for his actions.

If he was required to hear both sides the purpose of cancellation would be "defeated".

Night flee

"For security reasons it might be wise to give someone advance notice of his intention" because he might flee.

In such matters, the Minister had to protect the interest of the State and "prompt and unfettered action was manifestly necessary".

(Proceeding)

Miss Justice van den Heever, Mr Justice Friedman and Mr Justice Vivier are presiding.

Mr E L King SC, assisted by Mr S Desai and instructed by E Moosa and Associates, appears for Dr Boesak. Mr Hoes is assisted by Mr F D Brand and instructed by the State Attorney office.

decision welcomed

CARL Tim FS
10/12/85
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LONDON. — The withdrawal of charges against 12 of the 16 accused in the Maritzburg treason trial was widely welcomed in London yesterday and the US State Department called it "encouraging".

The 12 were unexpectedly released yesterday morning when the Natal Attorney-General, Mr Michael Imber, SC, appeared in court in person for the first time since the start of proceedings and withdrew all the charges against the UDF leaders.

Those who were released are Mr Mewa Ramgobin, 52, Mr George Sewpersadh, 43, Mr Moorooiah Naidoo, 53, Dr Essop Jassat, 52, Mr Aubrey Mokoena, 37, Mr Curtis Nkondo, 56, Mr Archie Gumede, 70, Mr Paul David, 40, Mrs Albertina Sisulu, 67, the Rev Frank Chikane, 34, Mr Cassim Saloojee, 49, and Professor Ismael Mohammed, 54.

The trial against the four trade unionists — Mr Thozamile Gqweta, 33, Mr Sisa Njikelana, 29, Mr Samuel Kikine, 36, and Mr Isaac Ngcobo, 36 — will continue on February 3 next year.

Prospects for reconciliation

A British Foreign Office spokesman said: "We hope the decision will improve the prospects for reconciliation and for the genuine dialogue about the political future for South Africa for which we — and our partners in Europe and the Commonwealth — have repeatedly called."

US State Department spokesman Mr Charles Redman said the acquittal "constitutes an encouraging development" which demonstrated the importance of the role of South Africa's judiciary.

But he added that the US remained concerned about the other four defendants.

In a statement released by the Anti-Apartheid Movement, Mr Geoffrey Bindman, a London solicitor in charge of the campaign to release the treason trialists, described the decision as a "great breakthrough" which was "in no small way a tribute to Mr Justice Milne and his courage for making clear his criticism of the State case".

Television news broadcasts

The withdrawal of charges against the 12 was prominent on television news broadcasts yesterday.

Mrs Helen Suzman, MP, who is visiting Britain, told the BBC that the decision was a tribute to the independence of the judiciary in South Africa.

The UDF said in a statement after the trial that they feared the government would retaliate by banning those involved in the trial.

Meanwhile South African legal circles saw the decision as further evidence of the importance of the courts to decide the fate of detainees.

Important for courts to decide

Mr Graham Cox, president of the Association of Law Societies of South Africa, said the withdrawal demonstrated the importance for courts to decide who should be granted bail and that this should not left up to the Attorney-General.

Mr Mike Cowling, for the Lawyers for Human Rights, said: "This case shows the dangers of conferring wide powers under the Internal Security Act to executive officers, such as the Attorney-General", and that the acquittal of the 12 had "vindicated the court's decision to intervene and overrule the Attorney-General's decision."

Professor Tony Matthews, of the School of Law at the University of Natal, and an authority on security legislation in South Africa, said allegations that people, such as the 12, were attempting to overthrow the State were "bandied around much too freely".

UDF spokesman Mr Billy Nair said the dropping of charges against the 12 "has vindicated UDF policies and allegations made against them as fraudulent". — Own Correspondents and Sapa-Reuter

● 'The struggle continues', picture, page-6

12/12/85 BUS DAY

Treason trial 'embarrassment'

LONDON — The *Guardian* newspaper said yesterday the withdrawal of treason charges against 12 United Democratic Front members was an embarrassing setback which SA could easily have spared itself.

The newspaper said the failed indictment had been an attempt by the state to blame the UDF for the disorder in SA, making the trial "wholly political".

Recalling the failure of the 1961 treason trial, an editorial said: "The authorities have clearly learned nothing and forgotten nothing in the interval, but have been reminded that opposition to apartheid, even when criminal violence is involved, is

IAN HOBBS

not to be equated with 'treason'. The government would be much better occupied with talking with these people instead of locking them up."

Commenting on the role of the judiciary, the *Guardian* said: "Except when it uses its swinging executive powers under the infamous security laws to bypass due process of law, Pretoria generally observes the principle of the separation of powers."

"South African judges (if not magistrates, who are State servants) have never shed their capacity for independent thought

and have often delivered rulings against the government, notably during the constant unrest of the past 15 months.

"The Justices of the Natal Supreme Court have played their part in maintaining this encouraging record."

"On this occasion, however, the prosecution withdrew its charges before the Bench was called upon to give a verdict. So it is not the judiciary which has embarrassed the government but rather the government itself, and doubly so."

"Not only was it the State that was doing the prosecuting but it also decided to bring the charges in the first place..."

Wits takes moral stand with new policy statement

By Susan Fleming, Education Reporter

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The Council of the University of the Witwatersrand yesterday issued a statement calling for the end of all apartheid legislation and South Africa's security laws, and for the negotiation of a new "just" constitution.

The statement will now become university policy.

The backbone of the new policy comes from a confidential document compiled by the faculties of arts, education and science at a special meeting in October.

The two-page statement issued by Wits Council said South Africa was now witnessing the consequences of apartheid — a policy which had brought about the forced removal of people, the banning of books, organisations and people, detention without trial and the denial of political liberties.

"The outcome is the current tragedy — burnings and lynchings, intimidation, looting, the boycott and destruction of schools, the consequences of the cry 'liberation before education', the shooting of men, women and even children, the use of excessive force by those seeking to maintain order, indemnity for agents of the State who do wrong and further restrictions on rights and liberties," the statement said.

EDUCATION

There was a need for "rapid and sweeping change". Wits University was morally obliged to protest the "gross injustices" in South Africa.

The aims of a university, which included the pursuit of truth and academic advancement, could not be attained where discriminatory practices prevailed, the policy document said.

The statement said Wits University rejected rac-

ism and racial segregation and was committed to non-discrimination in the selection and promotion of its staff and in its administration.

"The policy document pointed out that black education was a symbol and a cause of the present national crisis.

"There is a need for the reconstruction of the entire education system. Particular attention will have to be paid to those whose education over the years has been neglected or disrupted."

"We commit ourselves to re-examine all policies and practices in the universities, including teaching and research.

"We commit ourselves to the cause of equal educational facilities and prospects for all," and the repeal of legislation requiring separate facilities in education, health and welfare on racial grounds.

CAP 11/12/88

Editor tells court of unrest context

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PORT ELIZABETH. — A newspaper editor told the Magistrate's Court here yesterday that if he had felt a report about a funeral reflected unfairly on the police, or if he had not had reasonable grounds to believe it to be true, he would have approached the police for comment a second time.

Mr J V Viviers, of the Eastern Province Herald, said this in the trial in which he and reporter Miss Juliette Saunders are charged with publishing statements about police action without having reasonable grounds for believing them to be true.

The charges arose from a report published on Saturday, November 10 last year, about a funeral and rioting in Grahamstown the day before.

The statements alleged to be untrue are that police were seen using sjamboks, firing tearsmoke, rubber bullets and birdshot, and confiscating banners.

Mr Viviers denied that the report was written in a way as to imply that the police had acted without provocation. Although the report did not state reasons for the police action it also did not state that the police had acted unreasonably against rioters.

The report, he said, had to be seen in the context of the unrest and had been written in the context of events that day — as it should have been. If reasons had been given when the police were approached for their comment the paper would have used it.

Mr Viviers said the paper's policy was to check unrest with the police. This he believed had been done.

The trial continues today. — Sana

Error in Editor's charge sheet

Staff Reporter

AN ERROR in the charge sheet for the Editor of the Cape Times, Mr A H Heard, led all three Cape Town daily newspapers to report that he had been charged, or may be charged, with "printing or disseminating periodical publications which endanger the security of the State".

In fact, Mr Heard is charged with quoting a banned person. He appeared in the Magistrate's Court on Monday.

The charge arises from the publication in the Cape Times last month of an interview with African National Congress president Mr Oliver Tambo.

The section of the Internal Security Act which relates to endangering the security of the State is Section 56 (1) (b). The section which relates to quoting a banned person is section 56 (1) (p).

Prosecutor Mr J Reebein explained yesterday that the "totally understandable error" on the part of the three newspapers — the Cape Times, Argus and Die Burger — arose because someone had written in the margin of the charge sheet "Section 56 (1) (b)".

A second, unknown person, had added the words "printing, disseminating periodical publications which endanger the security of the State".

Mr Reebein said "there is no question of the charges in yesterday's (Monday's) hearing being changed to endangering the security of the State.

"At this stage he is only charged with quoting a banned person, and I have had no instructions from the Attorney-General to the contrary, although further charges are still being investigated."

Mr Reebein yesterday amended the charge sheet to read "section 56 (1) (p)"

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★ Cape Times, Thursday, Dec
12/12/85

Man in court for harbouring two 'terrorists'

Court Reporter

A GUGULETU man yesterday appeared in the Magistrate's Court on a charge of harbouring "trained terrorists", who have been connected with a grenade attack on the home of Mr Luwellyn Landers, Labour Party MP in the House of Representatives.

Mr Ntozelizwe Talakumeni, 27, was not asked to plead to the charge of contravening the Internal Security Act.

The State alleges he harboured a man connected with a grenade attack on the Langa police station and the placing of limpet mines for further grenade attacks on the homes of Mr Landers, Mr Fred Peters, LP MP, and community councillors Mr Bolise, Mr Shwalane and Mr Njoli, between June 12 and 16 this year.

Mr Talakumeni is alleged to have:

- Unlawfully harboured, or helped, Joseph Monwabisi Majoli and Glenville George Peters, while he was aware that they intended to, or had committed, acts of subversion.

- Failed to report their presence to the police or reported it too late while he was aware that they had contravened or intended to contravene the Internal Security Act.

- Met with Joseph Majoli and Glenville Peters while he was aware they

were "trained terrorists". While he was aware that Peters had come from Lesotho he had introduced him as "John" from Johannesburg, and while he knew that Majoli had come from Lesotho, he had introduced him as "Sipho" and/or "Tsepho" from Transkei.

- Transported the two on several occasions in his car and gave them food and drink, or took them to, or was aware of, pickup points for food and drink.

- Allowed the two men free access to his home and allowed them to live there and/or to leave and/or fetch goods from his home.

Weapon

The State also alleges that Mr Talakumeni provided Joseph Majoli with a place to sleep on at least two occasions in May 1985; that he gave him a sack full of tinned foods and a portable radio and that he provided one or both men with clothes.

The State also alleged that Mr Talakumeni was instructed in the operation of a weapon.

The hearing was adjourned to March 7 and Mr Talakumeni was remanded.

Mr J S Lombard was the magistrate. Mr W C Viljoen of the Attorney-General's Office appeared for the State. Mr John Whitehead, instructed by Mr Ramesh Vassen, appeared for Mr Talakumeni.

Argus 12/12/85

Kinikini killing — skull crushed

Argus Correspondent

GRAHAMSTOWN. — Events on the morning of the killing of the Mayor of Kwanobuhle, Mr Benjamin Kinikini, and five members of his family have been recalled in the Supreme Court here.

Colonel G S Theron, officer commanding the unrest unit in Kwanobuhle at the time of the alleged murders, was giving evidence in the trial of 10 people charged with murder and public violence.

He said that at 7am on March 23 he encountered between 2 000 and 3 000 people in Mabandla Road.

After the crowd had been assured that certain children who they suspected had been kidnapped were safe at the Kwanobuhle police station, they were asked to disperse.

They refused and teargas and a sneeze machine were used.

Colonel Theron left the township and returned by helicopter about 10am.

About 12.45pm he noticed several buildings burning, including the Kinikini funeral parlour.

At the scene a witness pointed out the bodies of three people, including that of Mr Benjamin Kinikini.

About 2pm he received a report of crowd marching on the Kinikini home.

On the way there he passed two more bodies in the street.

He saw a crowd running to the Kinikini home from three sides.

KNIFE IN MOUTH

They had kerries and some carried buckets and wore rags over their faces to counter the effects of teargas.

Buckshot was used to disperse them.

He returned to the funeral parlour, stopping to inspect the bodies he saw earlier.

One had a knife protruding from the mouth and a drinking-straw forced between the teeth.

The skull of the other had been crushed and a soft-drink bottle forced into it.

Burning tyres and cartons had been placed on top of both bodies.

(Proceeding)

CAPE TOWN 13/12/85

Charges against 8 withdrawn

Court Reporter (331)

CHARGES against eight local and foreign journalists arrested while reporting on a student rally at the University of the Western Cape in October were yesterday withdrawn in Bellville Magistrate's Court by order of the Attorney-General.

No reasons were given for the withdrawal.

The eight newsmen, who did not appear yes-

terday, are: Mr Rafiq Rohan, 32, of Capital Radio News; Mr Wim de Vos, 38, and Mr Anton van der Merwe, 22, of CBS; Mr George de Arth, 33, and Mr John Hall, 47, of NBC; Mr Pierre Romalero, 26, and Mr Craig Matthews, 27, of WTN; and Mr Bernard Bisson, 33, of Sygma.

Mr A Louw was the magistrate. Mr B R Buys appeared for the State. Mr E Moosa, Mr D Fine, Mr B Surdut and Mr D Dasin represented the eight.

TREASON TRIAL ACQUITTALS

State's case collapses

The acquittal of 12 United Democratic Front (UDF) activists on treason charges in the Maritzburg Supreme Court this week illustrates the difficulty the State has in showing that vociferous public opposition to it amounts to treason. The State's case was not helped by its "expert" witness being forced to retract a key part of his testimony.

Treason is a serious charge. It implies actively conspiring to overthrow the State by violent means. Central to making the charges stick, however, is that a degree of violence must have been employed by those who stand charged.

The acquittal of the 12 demonstrates that merely being a member of an extra-parliamentary opposition group, an implacable critic of government, marching behind an ANC flag at a funeral, or flashing a black power salute, is patently not treasonable.

There were, of course, elements of *deja vu*

terised by arbitrary administrative action, such as detention without trial and the withholding of bail, which had sought to put executive decision-making beyond the jurisdiction of the courts.

As it was, each order was stoutly contested by the defence. Early detentions of some of the treason trialists, under Section 28 of the Internal Security Act, were invalidated last year after complex legal argument. The question of bail for the defendants (withheld on order from the Attorney General) was argued for five months before Justices Friedman, Booysen and Galgut found that the order violated the inherent right of the courts to determine bail. Their judgment was upheld by the trial judge, Justice Milne, who granted bail totalling R170 000.

The defence team lost some of the skirmishes. It was unsuccessful in getting the main charges on the indictment, treason or,

was not clear what the objectives of the organisations were.

With that the State's case against the 12 crumbled and the A G was left with little alternative but to withdraw the charges.

However, charges remain against their four co-accused. They are Thozamile Gqweta, national president of the SA Allied Workers' Union (Saawu), Sisa Njikelana, Saawu's general secretary, Sam Kikine, general secretary of a Saawu splinter group, and Isaac Ngcobo, the union's treasurer. Matters relating to their continued trial for treason are *sub judice*.

FOREIGN WORKERS

Dodging the issue

It was Abraham Lincoln who said you can fool all the people some of the time, and some of the people all the time, but you cannot fool all the people all the time. Has government heeded this lesson?

The point at issue is government's mooted contingency plans to repatriate foreign workers should intensified sanctions, boycotts and disinvestment reduce job opportunities for South African nationals (as the politicians have intimated) and make this necessary.

Some weeks ago, government suffered acute embarrassment when the press was leaked the news that it had held talks on the issue with the Chamber of Mines. Manpower Minister Pietie du Plessis was quick to state that government had no immediate plans to repatriate large numbers of foreign workers. But he did say that consultations had been held — and would continue — with a number of major employers of foreign labour. He also said that contingency planning of this nature was an essential part of government's long- and short-term strategy to relieve unemployment in SA in the face of international economic pressure.

The black National Union of Mineworkers reacted to this news by threatening a national strike if foreign workers were repatriated. This threat has been reiterated by the newly formed Congress of South African Trade Unions.

Two weeks ago the FM telexed the Minister inquiring whether there had been any new developments in talks with employers of foreign labour. In reply, the Minister's public relations officer, Willem Pruis, said no further meetings had been held and the department had nothing to add to the Minister's original statement.

Pruis was, however, not able to answer other related queries and referred the FM to



Acquitted trialists ... (l to r seated) Jassat, Mokoena, Mohammed, Sisulu, Nkondo and Saloojee (standing)

in the trial in Maritzburg. In 1956 the State brought similar charges against over 100 of its opponents — only to acquit them all after a marathon three-year hearing. Ironically, Archie Gumede, patron of the UDF in Natal, who was in the dock in Maritzburg, was one of them.

This calls to question whether the State was really serious about getting a conviction for treason in the first place, or whether it sought merely to remove certain of its critics from high public profile at a sensitive time. Gumede, for example, has been in detention or under restrictive bail conditions for almost a year. He was one of three co-accused who were involved in the Durban consulate sit-in drama last year.

A Natal Law Society spokesman said there is "no question that the State is using the machinery of the security legislation and the law in general to stifle public, open, peaceful protest." He suggests, too, that the Maritzburg treason trial had been charac-

alternatively, terrorism, dropped.

At the start of the trial proper in September, the prosecution attempted to show that the accused incited violence against the State, had common cause with the banned ANC and were engaged in revolutionary activity — the object of which was the violent overthrow of the State. It unveiled tape recordings and videos of the speeches made by the defendants and called police and military witnesses to help press home the charges on the 600-page indictment.

Much of the State's case rested on the evidence of expert witness Isaac de Vries, a political scientist at the Rand Afrikaans University. De Vries started out by claiming that the objectives, symbolism and rhetoric of the UDF, NIC and TIC demonstrated obvious links with the ANC. As such they were extensions of the ANC's revolutionary activities in SA, he concluded. But, under cross-examination by defence advocate Ismail Mahomed, he recanted and conceded it

Gunn in court over books

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Court Reporter

THE Clothing Worker's Union organizer, Ms Shirley Gunn, who spent 112 days in solitary confinement, yesterday appeared in Wynberg Magistrate's Court in connection with a charge of possessing banned literature.

Ms Gunn, 30, of Denchworth Road, Belgravia, was not asked to plead to a charge of possessing literature of a banned organization, the South African Communist Party. The State alleges that she possessed two copies of "African Communist" on August 23 this year.

Bail of R750 was granted on condition that Ms Gunn reports at the Claremont police station every Friday between 6pm and 8pm.

The State initially set bail at R1 000.

Mr Mushtak Parker, of E Moosa and Associates, for Ms Gunn, said the security police were not satisfied with detaining her but wanted to make life more difficult for her by suggesting such stringent bail conditions.

The hearing was adjourned to December 30.

Mr A P Kotze was the magistrate. Mr J Bezuidenhout appeared for the State.

UDF trial legal costs top R1-m

By TICKS CHETTY

DEFENCE costs in the treason trial of the 12 United Democratic Front leaders and four trade unionists have amounted to more than R1-million.

But, suggest some in the UDF camp, "overseas sources" will be picking up the tab.

The trial, nevertheless, brought several of the accused, 12 of whom were acquitted of the charges this week, to the brink of financial ruin.

The 12 were acquitted on Monday when Natal's Attorney General, Mr Michael Imber, SC, announced a withdrawal of the charges against them.

The 13-member defence team for the treason trial, led by prominent advocate Mr Ismail Mahomed, SC, was one of the biggest assembled for a trial of this nature in South Africa.

For some of the accused, the long absences from their legal and medical practices and businesses have cost them dearly.

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Deputy's death: 6 guilty

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SIX Sharpeville residents who were this week found guilty of murdering deputy mayor Kuzwayo Jacob Dlamini will be sentenced by the Pretoria Supreme Court today.

Mjoalefa Reginald Sefatsa, 30, Reid Malebo Mokoena, 22, Oupa Moses Diniso, 30, Teresa Ramashamola, 24, Duma Joshua Khumalo, 26 and Francis Don Mokgesi, 28 – were found guilty of murdering Mr Dlamini on September 3 last year.

Two other Sharpeville residents – Motseki Christiaan Makubung, 23, and Motsiri Gideon Mokone, 21 – were convicted of public violence.

Acting Judge WJ Human, sitting with two assessors, found all eight guilty on alternative charges of subversion, malicious damage to property and arson.

They had pleaded not guilty to all the charges.

Mr Kuzwayo was stoned and set alight. His house and car were doused with petrol and set on fire after residents had protested against a rent increase.

Judge Human said there was not enough evidence that Makubung and Mokone were present when Mr Dlamini was killed.

Makubung had come an hour later, while Mokone had been shot earlier than Mr Dlamini and was taken away for treatment.

The other six were placed at a scene of the crime by various witnesses.

Sentence will be passed today after the defence has led evidence in mitigation

WELCOME ME BACK!



AUBREY MOKOENA: Conflict will stop when Nelson Mandela is free.

'The struggle continues ...'

By **MONO BADELA**

BARELY a day after being acquitted in the Maritzburg Supreme Court on high treason charges, Soweto activist Aubrey Mokoena was back at his job as national publicity secretary of the Release Mandela Committee.

On Tuesday he was summoned to a special meeting of the RMC, where he was re-elected to his position on the national executive. Treason charges against Mr Mokoena and 11 others were dropped by Natal Attorney-General Michael Imber on Monday.

Mr Mokoena told a Press conference: "We reiterate our belief that the political conflict in our country will persist until Nel-

son Mandela and all political prisoners are released, exiles allowed to return, and the people's organisations are unbanned."

He said the RMC fully supported those voices that blame the Government for the unrest in South Africa.

Unrest was a result of the Government's installation of "puppets" in administrative structures, "high rent increases, unemployment, the inflationary cost of living, detention without trial, and brutalities meted out against our people by security forces in the townships", said Mr Mokoena.

"The treason charge followed the UDF's successful campaign against the new constitution. The Government was trying to punish the UDF," he said.

Huge rally for the UDF twelve

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Curtis Nkondo and Albertinah Sisulu greet their 'comrades' at Khotso House this week.

IN the wake of the acquittal of 12 United Democratic Front treason trialists, Durban is buzzing with another activity – the "Free Mandela Rally", to be held in Lamontville this weekend.

Recently acquitted Paul David told City Press the UDF national executive committee has decided to spearhead the campaign for the unconditional release of Nelson Mandela and other political prisoners, which has been led for five years by the Release Mandela Committee.

Mr David said the UDF believed it was its historic responsibility to launch a mass campaign for their release.

"There can be no peace and democracy with Mandela and others in jail. The oppressed people and some Afrikaners know this – even white big business accepts this.

"South Africa is in chaos and (PW) Botha cannot give us peace," said Mr David.

The rally will be addressed by UDF national presidents Archie Gumede and Albertinah Sisulu.

As it will also serve to welcome them, other speakers will be Curnick Ndlovu and Billy Nair – Mandela's former cellmates – and Zinzi Mandela.

Describing Mandela as his "neighbour" on Robben Island for 20 years, Mr Nair said: "Nelson is a leader brought up in the

proud tradition of the Congress movement.

"He practiced his beliefs at all times. He never used his seniority to make others feel small, he treated everybody equally.

"It was not surprising that many wardens at Robben Island would be seen in his cell, where he would explain to them in detail what he stood for and the free and democratic SA of the future.

"He was not a racist and believed strongly that SA belonged to all who live in it. It was his task to win over everybody – including wardens – to support the struggle of the oppressed people.

"Through his tireless efforts and willingness to sacrifice in the fifties and sixties, Nelson showed he never thought about himself – his people and his organisation always came first."

Mr Nair said his cellmates included committed freedom fighters of the highest calibre – such as former ANC general secretary Walter Sisulu, whom the Rivonia judge described as the "engine" of the ANC.

He said he was convinced that Mandela and other political prisoners would be free and would make an important contribution to building a better SA for all.

Natal UDF men to sue Le Grange

By **SIBUSISO MNGADI**

FIVE recently acquitted Durban UDF treason trialists plan to sue Law and Order Minister Louis le Grange for unlawful arrest.

They are UDF national president Archie Gumede, Natal Indian Congress president George Sewpersadh, Mewa Ramgobin, Paul David and MJ Naidoo.

Mr Ramgobin said they will instruct their lawyers to institute proceedings against Mr Le Grange for damages suffered as a result of the period they spent in jail under Section 28 of the Internal Security Act.

Commenting on their acquittal, Mr Gumede said it was clear from the start that the State had no legitimate case against them.

He claimed Rand Afrikaans University academic Isaak de Vries – a State witness – only received certain documents in September 1984 in order to determine connections between the so-called Revolutionary Alliance and the UDF leaders, yet they were first arrested in July.

"Subsequently allegations not properly assessed may have resulted in the State believing it had a strong case about the alleged connection between the UDF and the African National Congress," he said.

● If the UDF leadership had been found guilty, the State would have succeeded in defining as illegal legal political activities – and this

would have paved the way for the Government to "win" the UDF, said Wits University political studies lecturer Mark Swilling this week.

He said that the "bizarre incoherence of the State's case revealed the arbitrary nature of SA's justice", reports **MONO BADELA**.

The failure of the case against 12 of the 16 UDF leaders now allows legal political organisations which represent the interests of the majority to exist, he said.

"The detention of these leaders was obviously aimed at taking them out of circulation as a way of preventing popular resistance."

Leaders don't conceal popular organisations, he said – "it is ordinary people who are currently resisting the inequalities of daily life. Solving these inequalities, not detaining leaders, is the answer."

The six Transvaal UDF leaders – president Albert Sisulu, Essop Jassat, Cassi Saloojee, Curtis Nkondo, Aubrey Mokoena and Ismail Mahomed – received a rousing welcome at Johannesburg's Central Methodist Church Hall this week.

Mr Nkondo said the idea of locking them up in the first place was a "political decision" – a decision carried with it some kind of punishment.

"We have been punished because we are fighting for justice. There can never be peace in SA unless there is justice for all," he said.

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City Press **COMMENT**

PO Box 87472, Springfield 2137

Telephone LHM 836-0872

December 15, 1985

Twelve leaders were wasted for a year

WE are all relieved that the 12 United Democratic Front leaders who faced charges of high treason have had these withdrawn. It was a painful, nasty experience that lasted just over a year.

We all knew they were innocent. They themselves maintained an air of confidence that justice would be done at the end.

Within a day of their acquittal, leading educationist Curtis Nkondo - who was among them - made a stirring and urgent plea for students to return to school next year.

This call comes from a leader whom the Government regards as a rabble-rouser and a troublemaker. No doubt their absence has been deeply felt in our situation which abounds with contradictions and confusion.

We hope therefore they will, as a matter of urgency, tackle the issue of the proposed consumer boycott which has plunged our communities into the worst possible state of confusion.

Incidents being reported to us are no cause for comfort at all. We've had the story of a widow and mother of five young children having her food - which she bought from a township supermarket - wrenched from her.

She does not have a penny to her name at the moment. Her children are starving and heaven knows what type of Christmas she faces.

Any campaign must be laced with sensitivity, compassion and directed in a manner which can be monitored to have the desired effect. If discipline and monitoring cannot be achieved, then it can easily fall into the hands of senseless hooligans who just cause havoc to people's lives.

We do not believe the present campaign has been well thought out and for this reason it must be re-examined.

Any action that causes resentment in the fight for a just society can only be counter-productive in the struggle for that society.

'Animal mob' hacked, burnt 6 to death

231 By JEREMY McCABE

THE horrific deaths of a Uitenhage black mayor, his four sons and a friend were described in graphic detail in the Grahams-town Supreme Court this week.

Ten people have been charged with the murders. Mr Benjamin Kinikini, 57, his sons Eric, 22, Silumko, 20, Qondile, 18, and Stanley, 13, and a youth, Mr Zolisile Pram, were hacked to pieces and burnt by an 'animal mob' in Kwa-nobuhle on March 23.

The six had been guarding Mr Kinikini's vast undertaking complex in the township when they were overwhelmed by the rampaging mob.

The wealthy Mr Kinikini had earned the hatred of radical organisations because of his constant refusal to resign from the Kwa-nobuhle Town Council.

Carbonised

Dr W Verschuur, a district surgeon in Uitenhage, said in court the elder Mr Kinikini had been so badly mutilated that he was unable to define the cause of death. All he saw was "a small pile of ash and bone".

His son Silumko's body had been almost totally carbonised.

Eric and Qondile died from massive brain damage and both were hideously burnt.

Mr Pram also died from brain injuries and his head and upper body were carbonised.

The body of the younger Kinikini son was never found.

During a two-hour in loco inspection at the site of the killings this week, a crowd of about 2 000 danced and chanted "We must roast them" and "Kill, kill, kill".

The case against the ten accused was postponed to February 17.

Trial cost UDF 12 'about R1,4 m'

Mercury 18/12/85

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Pietermaritzburg Bureau

LEGAL costs and loss of earnings incurred by the 12 UDF and Natal and Transvaal Indian Congress leaders who were acquitted of treason this month are estimated to be about R1 400 000.

Mr Thumba Pillay, a senior instructing attorney for the 12 during

their detention and trial in Pietermaritzburg totalling about 11 months, said: 'Usually in this type of case the money to pay the costs comes from people overseas concerned with human rights matters.'

He would not disclose the identity of the 'people overseas'.

Mr Pillay said the esti-

mated total legal cost was probably more than R1 100 000 or an average of about R100 000 a month.

Estimates for loss of earnings from those of the 12 who earned salaries, including four attorneys, a medical doctor and an insurance broker, were in the region of R321 000.

The 12 accused of treason included Durban attorneys Mr Archie Gumede, 70, a co-president of the UDF, and Mr George Sewpershad, 43, president of NIC, and Johannesburg medical doctor Essop Jassat, 52, president of the Transvaal Indian Congress.

The defence team, one of the biggest assembled in South Africa, was led by Mr Ismail Mohamed, SC, and Mr Ivor Schwartzman, SC, and consisted of four other advocates with six full-time and two part-time instructing attorneys.

Withdrawn

Mr Pillay said the legal costs also included hours of checking video and tape recordings and their transcripts, consultations with expert witnesses, interviewing people around the country and air fares, accommodation of the legal team and witnesses.

Earlier this month Mr Mike Imber, Attorney-General of Natal, withdrew the case against 12 of the 16 people who were charged for treason for allegedly plotting with the ANC to overthrow the Government between 1980 and 1985.

The remaining four accused, Richard Gqweta, Sisa Njikaleni, Sam Kikine and Duzé Ngcobo, are all national executive members of the South African Allied Workers' Union.

Their trial continues on February 3.

THE INSIDE STORY OF THE UDF TRIAL



Curtis Nkondo celebrates his release on arrival at Jan Smuts Airport

Picture: GILL DE Vlieg, Afrapix

between its leaders — a charge that would be easier to defend. Round two to Mahomed.

Having now developed a taste for victory, Mahomed made further objections to the indictment. Once again he won, and the judge ordered changes to be made.

Eventually, three alternative charges had been knocked out of the charge sheet. "The indictment had taken a fairly heavy bruising," one lawyer said.

But the root of the problem lay in the main charge: high treason in terms of the Internal Security Act of 1982.

The State was attempting to prove that treason had taken place without any acts of violence. They intended to prove that what had taken place were "means which envisaged violence".

There are precedents for proving treason without violence, but such cases are difficult and unorthodox.

The key evidence was 53 transcripts of tape or video recordings of meetings. Since there was no agreement on the admissibility of this evidence, the State would have to produce a cameraman or soundman to verify the veracity of the recordings.

The problem was that the cameraman who shot much of the

footage was in America and out of the reach of a court subpoena.

Every witness the State did produce seemed to run into trouble. An ex-ANC member, who cannot be identified, was caught out when the defence produced a letter she had written to her mother that contradicted her evidence.

Three Natal policemen gave evidence and managed to contradict each other, and then raise questions over evidence that had been tampered with.

A senior intelligence officer gave evidence on the SADF raid on Maseru in 1982. The State produced a certificate from the Minister of Defence, prohibiting him from revealing certain matters.

However, the certificate was so wide-ranging that the defence immediately objected to almost anything he said. A new certificate was produced.

The denouement came with De Vries. After he had spent nearly a week giving his evidence-in-chief, he faced Mahomed's questions.

The cross-examination was a verbal equivalent of the Six-Day War — De Vries was in trouble even before it began.

On the first day, he spoke in English and rapidly lost his cool. On the second, he spoke Afrikaans and appeared determined to keep his cool. But by the afternoon, he had reverted to English and, according to observers, was looking uneasy again.

He said the Indian congresses had been committed to violence in the 1960's and then stumbled when it was pointed out that they did not exist during that period.

When it was pointed out that he had, in his documentary evidence, changed a call from the ANC to form a united democratic front to a call to form the UDF, he blamed his typist.

He admitted that he had not yet formed a final opinion on whether the organisations in question were revolutionary.

He was given time to refresh his memory of the documents and then admitted the same again. He had not formed such an opinion on the organisations or on the individuals in question. He had only "indicated the revolutionary directed actions".

When it was pointed out that he had given a firm opinion on this issue in a previous trial, he could not remember having done so.

That was the end. The State had no

foundation on which to build their case and had to withdraw charges.

The result was hailed as a victory for the UDF. More than that, it showed, most poignantly, the need for State actions to fall under the scrutiny of the courts.

It cast doubts on government "experts" on revolution; it cast doubts on the quality of the information that motivates actions like detentions, bannings and the confiscation of passports.

When this information and "expertise" came under the scrutiny of the Natal Supreme Court, it crumbled.

In the words of Sydney Kentridge, SC, addressing a public meeting on Human Rights Day this week: "This was the judicial system at its best — but it was an exception."

Many other cases, where the evidence is probably much less strong, never get to court before the accused is detained or banned, he said.

The UDF 12 were fortunate to come under judicial scrutiny. They were also fortunate to be defended by Mahomed — unlike the accused in the many previous trials in which De Vries gave important evidence.

The advocate who led the winning team

ISMAIL MAHOMED was to the UDF treason trial in Pietermaritzburg what Sydney Kentridge was to the Biko inquest in 1977.

That was the description given by one of his instructing attorneys after Mahomed's extraordinary cross-examination led to the withdrawal of charges against 12 of the accused.

Born in Pretoria, Mahomed is a friendly and amiable man known to be particularly tough on his instructing attorneys and junior counsel.

Almost 20 years at the Johannesburg bar and a case history that reads like the story of civil rights law in South Africa have earned him widespread respect.

He matriculated in 1950 and went to Wits University. After graduating with a BA with six distinctions, he did honours in Political Science and then law.

He spent six years on the Wits SRC and one year as editor of the student newspaper.

He has been admitted to the bar in Johannesburg, Swaziland, Botswana, Lesotho, Zimbabwe and England. He became Senior Counsel in 1974.

He has served as acting judge in the Botswana High Court and a judge of the courts of appeal in both Swaziland and Lesotho.

He has published a book on Group Areas legislation, an area in which he has long specialised.

On civil rights issues, he has argued cases that led to:

- The abolition of the Terrorism Act in Bophuthatswana, on the grounds that it conflicted with the territory's Bill of Rights.

- The right of a banned person to attend social gatherings (later rejected on appeal).

- The right of a detainee to institute civil actions against the police more than six months after the alleged assault.

- The reopening of a medical council inquiry into the death of Steve Biko.

- A reversal of the ban on outdoor gatherings (later reimplemented).

- The release of Section 28 detainees in Natal last year.

EXCERPTS FROM THE DE VRIES EVIDENCE

UNEDITED extracts from Advocate Ismail Mahomed's cross-examination of State "expert" Isaac de Vries:

(Mahomed is challenging an assertion that the Indian congresses were committed to violence alongside the African National Congress in 1961.)

Mahomed: "Now that first quotation says that there was a decision taken that, *inter alia*, the SA Indian Congress (SAIC) should not establish separate external missions and that it should be represented by the ANC. When was that decision taken, do you know? You don't know?"

De Vries: "No, I don't know."

Mahomed: "You see, I want to put it to you that soon after 1960 the Indian congresses — NIC, TIC and SAIC — ceased to operate and that's a well-known historical fact to the most elementary student of South African politics. Now would you dispute that?"

De Vries: "Well, according to this quotation, that is not correct."

Mahomed: "That's right, all you're doing is reading. You have no internal understanding of South Africa's internal political history, is that not correct?"

De Vries: "Well, I won't say no understanding."

Mahomed: "Well I put it to you, do

you know whether the TIC and the NIC existed in the years between 1960 and 1971? Do you know it at all?"

De Vries: "I cannot verify that except from the documents that I used."

Mahomed: "Do you know whether these organisations existed?"

De Vries: "During what period?"

Mahomed: "During the period 1961 to 1971."

De Vries: "No, I personally cannot verify that from other documents, other than those I've used."

Mahomed: "You see, this is my problem. What I want to put it to you, that it is a notorious and elementary fact of black politics in South Africa that from 1961 to 1971 there was no Indian congresses at all."

De Vries: "Well, Mr Mahomed, as I said, that's not according to the documents I've quoted, but if you can produce that evidence absolutely conclusive before the court, I won't stop you."

Mahomed: "You see I'm having difficulty ..."

De Vries: "Let me just add this. I have not been maliciously and so on. I have stated very clearly as this morning, not lying about anything, that these are my documents and I've pride on them, on which I base my information and, of course, I'm doing a lot of study from theoretical

documents too."

Mahomed: "This is my problem Mr de Vries. All you've demonstrated is an ability to read Sechaba. You have no historical expertise to assess whether what is read is correct or not. Is that not a fair comment on what you say?"

De Vries: "I think that's not really fair in the sense you've mentioned yourself that at least I've put in an important new fact, so to put it."

Mahomed: "What new fact?"

De Vries: "No, forget it."

(Discussion concerns whether the congresses existed after 1961.)

Mahomed: "They were dormant."

De Vries: "They were dormant. I mean that was put in this too. So I mean, I could have answered you now and say no, there was no activity but the point is I don't know and I haven't lied about it. Perhaps they held a samoosa sale to gather some money."

Mahomed: "Why do you refer to a samoosa sale?"

De Vries: "Well, I mean, I love samoosas and I know the Indian people usually make them. They make ... (intervention)"

Mahomed: "Yes, very well."

Mahomed: "Did you form an opinion as to whether SAAWU was a revolutionary organisation?"

De Vries: "Well, in my discussions with the State, I might have given indications, but I haven't formalised my opinion finally on that."

Mahomed: "Have you never formed an opinion?"

De Vries: "Of course, as you know very well, the SAAWU transcripts of East London are in total chaos, I was told."

Mahomed: "Yes, that's the first part of your evidence I agree with this morning, that they are in total chaos. I couldn't put it better."

De Vries: "And how can I form an opinion in the final analysis if I haven't seen anything?"

Mahomed: "Have you ever formed an opinion as to whether SAAWU is a revolutionary organisation?"

De Vries: "As I said, I might have indicated to counsel that there are certain — looking at certain specific facts in a narrow context, it might have looked like a revolutionary symbol being propagated or being a revolutionary directed action, but I certainly reserve my opinion until I have expressed everything in the final analysis ..."

Mahomed: "So you've never formed an opinion?"

De Vries: "Not a final opinion, no."

Mahomed: "Because you never had the facts, is that right? Because you

didn't have the facts you couldn't form an opinion, is that right?"

De Vries: "Well, I haven't finished with the documents."

Mahomed: "You didn't have all the facts in order to form an opinion?"

De Vries: "That's right."

Mahomed: "Then why did you tell a court in East London that it was not?"

De Vries: "Pardon?"

Mahomed: "Why did you tell a court in East London — in the Ciskei — why did you tell a court in the Ciskei that it was not?"

De Vries: "That what was not?"

Mahomed: "That SAAWU was not a revolutionary organisation."

De Vries: "Saaawu?"

Mahomed: "Yes. Why did you tell them that if on your own admission you've never had the facts to come to a conclusion? You are an ad hoc witness. You are, I want to put it to you, not a scientific witness who looks for facts and then comes to a proper conclusion."

De Vries: "Well, Mr Mahomed, I would certainly like to see that transcript again, because I suppose that ... (intervention)"

Mahomed: "May I remind you of the case? The State v Duna and others."

How the State's Treason case came tumbling

ON the penultimate day of the United Democratic Front treason trial in Pietermaritzburg, Justice J P Milne interrupted the cross-examination to ask a question of the key State witness, Isaak de Vries.

Justice Milne: "Did you form such an opinion — that there were certain individuals who were apparently committed to violence? And certain organisations?"

De Vries (witness for the State): "No, not a final opinion on that. I have only indicated the revolutionary directed actions."

Advocate Mahomed (for the defence): "M'Lord, then I don't know the value of this whole evidence and of this witness."

Justice Milne: "That's why I'm asking the question"

With these words, the State saw its case collapse.

The State had produced De Vries, senior lecturer at Rand Afrikaans University and long-standing expert witness on revolutionary activities; he had given evidence for the State in 19 previous trials.

He was to lay the foundation for the UDF trial, to set out the theoretical framework on which the State's case was built. He had been working on the matter for over two years.

The later evidence would then be built on his theory, to show the existence of a revolutionary conspiracy among leaders of the United Democratic Front, the Transvaal Indian Congress, the Natal Indian Congress and the SA Allied Workers Union.

After two days of cross-examination by Ismail Mahomed, SC, interrupted to allow De Vries to "refresh his memory", that evidence looked more like a newly imploded building than a foundation.

The case was adjourned to the next day to allow the defence to consider its attitude to De Vries' evidence.

The next day it was adjourned again, to allow the two sides "to pursue certain avenues, the effect of which has the potential of substantially curtailing the duration of this trial", Mahomed told the court.

That was Friday, December 6. On Sunday, the defence team was summoned by the Attorney-General

The significance of this week's release of 12 treason trialists in Pietermaritzburg goes further than a vindication of the UDF; it also calls into question the "experts" and the quality of the information used by the State in security matters. ANTON HARBER reports.

The four who stayed behind

By TONY OOSTHUIZEN

FOUR of 17 trade union leaders, of whom 12 were acquitted this week, still face charges of treason in Pietermaritzburg.

The four South African Allied Workers Union leaders are Richard Thozamile Gqweta, 33, Sisa James Njikelana, 29, Samuel Bhekuyisa Kikine and Dube Isaac Ngcobo, 36.

The four also face two alternative charges of furthering the aims of an unlawful organisation and of terrorism. They are all on bail and will appear in court again on February 3.

In spite of the fact that the trial against them continues, the four men joined in the celebrations following the release of their 12 former co-accused both outside the College Road Supreme Court and at a hotel in the city.

After their unexpected release before the end of the state case, the former treason trialists pledged that their non-violent struggle for peace, justice and democracy in South Africa would continue.

They also indicated they would take legal advice about instituting a claim against the state for illegal detention.

of Natal, Mike Imber, for supper. He told them that charges against 12 of the accused were to be dropped.

The decision brought celebration and joy to the accused. But its significance went further.

On trial in Pietermaritzburg were not just 16 well-known political and trade union leaders. The UDF was in the dock; its ideas, its mode of operating, its very existence were being put under legal scrutiny.

The withdrawal of charges against 12 of the accused was a vindication of the legality of the UDF mode of operating. The State had set out to prove the way the UDF and three of its affiliates operated was part of a

revolutionary conspiracy; by failing in this aim, it proved the opposite.

In the words of one of the defence lawyers: "It proves that there is still considerable scope for legal organisation and mobilisation in black protest politics."

How could the State have failed so badly in its case against the UDF?

Some have suggested the move was politically motivated — that the State found it opportune to relieve foreign pressure and stimulate a climate of negotiation by calling off the trial.

However, there is no evidence of this. All the signs point to the fact that the withdrawal of charges was a purely legal decision. The attorney-general looked at what remained of the evidence at the end of the cross-examination of De Vries and saw his case in shreds.

According to legal sources close to the case, he did not consult anyone superior to himself before dropping the charges.

Nor was the collapse of the case a sudden matter. It was a process of attrition: from the first day of the hearing, the case suffered one legal defeat after another.

On the way, legal precedents were established again and again.

The first came during an appeal for bail. The attorney-general issued a certificate preventing the release of the accused, a power given to him in terms of the Internal Security Act.

Previously, such certificates have been sacrosanct. Year after year, in political trial after political trial, it had become axiomatic that the defence was powerless in the face of such a certificate.

It stepped Mahomed, a Senior Counsel at the Johannesburg bar, who has made his name in proving that no law is sacrosanct.

He set the first precedent when he successfully argued that the certificates were invalid. This was a key factor, because it allowed the prisoners to get bail and allowed the defence team to stop worrying about the need to get the trial over fast and get their clients out of prison.

With the 16 on bail, the defence team was able to take its time, do meticulous research and challenge every legal point — an impossible luxury when clients are still in prison.

After that, "nothing seemed to go right for the State", one of the lawyers said.

The defence asked for further particulars on the indictment. These were supplied and challenged, and the judge ordered changes. The conspiracy between the UDF and its affiliates became only a conspiracy

CITY/NATIONAL

Sentence on schoolgirl demonstrators postponed

Staff Reporter

A Cape Town magistrate has ruled that sentence be postponed for three years on three schoolgirls who attended a demonstration in the Golden Acre on September 4.

They pleaded guilty to holding a demonstration within the precincts of Parliament.

According to a written statement signed by each of the girls the purpose of the demonstration was to draw public attention to the "situation in the schools and the crisis in the community".

Aware it was unlawful

The court heard that there was no violence and no one was hurt.

The girls said they were aware that the demonstration was unlawful.

Two others arrested with them, a 16-year-old youth and Mr Mogamat Abraham, 23, of Bonteheuvel, failed to appear.

Mr J B Swanepoel was on the bench, Mrs E Koegelenberg appeared for the State and the accused were represented by Mr T Albertus.

1976-12-29/26
**Camermen
face charges**

JOHANNESBURG. —
Two television camera-
men from World Televi-
sion News network ap-
peared in court in
Groblersdal yesterday
charged with inciting
public violence in the
Moutse tribal district
about 100km north-east
of Pretoria.

Roger and Patrick Lu-
cey, who were arrested
on Tuesday, were re-
leased on bail of R100
each at about 1.45pm.
Roger Lucey told Sapa
in a telephone interview
from WTN's offices.

The case was post-
poned until February 4.
The two were arrested
under the Criminal Pro-
cedure Act. — Sapa

Boesak to appeal against Supreme Court ruling

STAR 20/12/85

331

CAPE TOWN — Dr Allan Boesak, president of the World Alliance of Reformed Churches, is to appeal against a judgment of a Full Bench of the Cape Town Supreme Court which yesterday dismissed his application for the return of his withdrawn passport.

When Mr Justice G Friedman dismissed Dr Boesak's application, Mr Seraj Desai, who appeared for Dr Boesak, immediately stood up to ask leave to take the matter to the Appellate Division.

Mr Justice Friedman said he was inclined to grant this, but he first had to consult with the other two judges.

The application to appeal was not opposed by counsel for the Minister of Home Affairs, Mr Stoffel Botha.

After a short adjournment, Mr Justice Friedman said in the light of the fact that the case involved "difficult questions of constitutional law", the judges were of the opinion there was "a reasonable possibility" another court might come to a different decision.

Leave to appeal was granted.

Dr Boesak had contended the withdrawal of his passport was "invalid,

unlawful and of no force and effect" as the Minister of Home Affairs was constitutionally the wrong person to have done it.

Mr Justice Friedman said in his judgment that although the power to withdraw passports was vested in the State President, it had never been exercised by him personally.

This power was not classifiable as an "own or general affair", he said. But even if it was a general affair, the power could still be delegated.

"Even if the withdrawal of a passport was subject to judicial review, I do not consider there is adequate ground upon which the Minister's decision could be set aside on review," Mr Justice Friedman said.

INCORRECT INFORMATION

Officers of the police security branch who testified at Dr Boesak's bail application had been in possession of incorrect information, he said, but their report was not the only information before the Minister when he decided.

Miss Justice L van den Heever and Mr Justice W Vivier concurred in the judgment. — Sapa.

Sequel to death of policeman at funeral

STAR 20/12/85

Court orders in-camera inquiry for Muslim leader

Own Correspondent

CAPE TOWN — A magistrate has upheld an application by the State that an inquiry in terms of Section 205 of the Criminal Procedure Act, at which a prominent Muslim leader is to answer questions about the death of a policeman, be held in camera.

The inquiry in which Sheik Abdul Gamied Gabier, chairman of the Muslim Judicial Council, is appearing was yesterday adjourned until February 17.

Sheik Gabier said in an interview yesterday that he would attend the inquiry but would not become a State witness.

Sheik Gabier had refused

to answer 23 questions at a meeting between him, advocate Mr Dullah Omar, attorney Mr A A Chohan, a Captain Knipe and a Warrant Officer Conradie of the Peninsula Murder and Robbery Squad.

The questions related to the funeral of Mr Ebrahim Carelse on September 11 this year, Sheik Gabier's standing in the community and certain conventions and traditions in the Muslim religion.

The State subpoenaed him to appear at the Cape Town Magistrate's Court yesterday to answer questions about the alleged murder of Constable James Farmer by Mr Albert Alexander, Mr Aden-

aan Bester, Mr Aden-aan Batchelor and other unknown persons during the funeral.

Applying for the inquiry to be heard "in private" the prosecutor, Mr J M Reebein, said: "Any information the witness may give us as a result of questioning at this stage is a statement by a witness in criminal proceedings. As such it is a privileged statement. The only time it will be made available to anybody other than the State is when the State dispenses with this privilege."

Opposing this application, advocate Mr J Whitehead, who was instructed by H Mohammed and Associates to appear for

Sheik Gabier, said the inquiry was not a criminal proceeding and the State had no basis for claiming the privilege of having it in camera.

The magistrate, Mr R Peckham, adjourned the court before granting the State's request.

Noting that Sheik Gabier's subpoena had aroused considerable public interest, the magistrate said the witness would not be examined as in a criminal trial.

"Although I am very sensitive to the public's right to knowledge, this is a murder charge and a very serious one. This is an instance where the proceedings of justice must be held in private," he said.

20/12/85 (28) (330) (331) BUS DAY

Boesak loses passport appeal

AN application by Dr Allan Boesak for the return of his passport was dismissed with costs by a full Bench of the Cape Supreme Court yesterday.

Boesak's passport was withdrawn by Minister of Home Affairs Stoffel Botha last month. Botha and the regional representative of his department were named as respondents.

Written judgment was handed down yesterday by Mr Justice Friedman. He rejected an argument by E L King, SC,

for Boesak, that in terms of the new constitution the Minister was not legally entitled to withdraw the passport.

Miss Justice van den Heever and Mr Justice Vivier concurred.

Leave to appeal was granted.

Boesak told waiting newsmen and television crews afterwards that, for the sake of the World Alliance of Reformed Churches — of which he is president — and his numerous local responsibilities, he felt he should take the issue "to the highest level". — Sapa.

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331

Sheikh Gabier appears in court

Court Reporter

THE president of the Muslim Judicial Council, Sheikh Abdul Gamed Gabier, yesterday appeared before a Cape Town magistrate after refusing to answer police questions in connection with the trial of three men who allegedly murdered a policeman.

The policeman, Constable James Farmer, was beaten to death during the Salt River funeral of Mr Ebrahim Carelse who had been shot by police earlier this year.

Sheikh Gabier was subpoenaed in terms of Section 205 of the Criminal Procedure Act after refusing to answer a number of questions put to him by members of the Peninsula Murder and Robbery Squad.

Mr J Reebein, for the State, applied for the inquiry to be held in camera. He said the information that Mr Gabier might give could be a statement in criminal proceedings and could be prejudicial to the State, if it were made public.

"Everyone would know what evidence the

State has against the three men and how far the investigation had proceeded," he added.

Mr John Whitehead, for Sheikh Gabier, said there was considerable public interest in the proceedings and applied for the matter to be held in an open court, since Sheikh Gabier could be sentenced to two years imprisonment if he refused to answer the questions in court.

The magistrate, Mr R H Peckham, said Sheikh Gabier would be required to answer a wide range of questions during the inquiry. Some of these questions had relevance to the investigation of the murder charge and could, if answered, prejudice the State's case. Other people who could be charged could even be forewarned, he said.

He was "sensitive to the public's right to know", but the offence was very serious. If details were revealed they could "hamper the interest of justice".

He declared that the proceedings be held in camera.

Mr Whitehead was instructed by Mr A Chohan.

P W told to drop charges

The Congress of South African Trade Unions (Cosatu) has sent a letter to President P W Botha, demanding the dropping of treason charges against four leaders of the South African Allied Workers Union.

The four — Mr Sam Kikine, Mr Thozamile Gqwetha, Mr Isaac Ngcobo and Mr Sisa Njikelana — were among 16 United Democratic Front leaders who were charged with treason. Charges against the other 12 were withdrawn last week.

In the letter, Cosatu threatened to take action if Mr Botha did not meet its demands.

Condemning the continued detention of other union leaders, Cosatu said the first step to resolving the present crisis was the release of all those held in detention.

Court to probe PE blasts

CP Correspondent

NEW Brighton man charged with furthering the aims of the African National Congress, terrorism and the illegal possession of hand grenades, will appear in the Port Elizabeth Regional Court on January 13.

Zamile Mazansane, 19, also faces charges of possession of banned literature, two counts of attempted murder, and malicious damage to property.

The State alleges he received training in Lesotho to further the aims of the ANC. He is alleged to have been in possession of eight hand grenades which he brought into South Africa from Lesotho.

On June 16, in Ferguson Road, New Brighton, he is alleged to have hurled a hand grenade at the car of Azapo leader Rev Mzwandile Maqhina, and on June 23 hurled a grenade at Mr Maqhina's home. He is also alleged to have hurled a hand grenade at Thololo Klaas on June 23.

Mr Mazansane will remain in custody.

Cape Times 21/12/85

Charge dropped against newsman

831

Staff Reporter

CHARGES in connection with allegations of attending an illegal gathering and obstructing the police in the execution of their duties were dropped against Cape Times reporter Mr Peter Dennehy in the Goodwood Magistrate's Court yesterday.

Mr Dennehy, of Observatory, was arrested on October 27 in Elsie's River.

He was held for about five hours, released and warned to appear in court in connection with the charges.

Yesterday was his third appearance in court. Charges were never put to him and he was never asked to plead.

The magistrate was Mr H S Müller. Mr W Cornelius appeared for the State. Mr G I Rushton of Findlay and Tait Inc appeared for Mr Dennehy.

Defiant Winnie due to appear in court today

By Rich Mkhondo

Mrs Winnie Mandela is due to appear in court today, just two days before she is to visit her imprisoned husband on Christmas Day.

She was arrested yesterday for defying an order which excluded her from the magisterial districts of Johannesburg and Roodepoort.

The arrest followed an earlier incident in which she was forcibly removed from her Orlando West, Soweto, home by security policemen.

It is believed police dropped her at an airport hotel, but she defied them and boarded a train back to Soweto.

She joined several of her relatives, friends and lawyers who kept a vigil, saying they were shocked at the way she was forcibly removed from her home.

But yesterday morning about 16 security policemen again forcibly took her away saying she had been arrested for contravening her banning order.

She is being held at a Krugersdorp Police Station.

Police confirmed she would appear in court today but would not say under what charges.

The drama started on Saturday afternoon when Mrs Mandela refused to be taken away by five policemen and a police-woman.

The incident happened hours after the Minister of Law and Order, Mr Louis le Grange, announced that restrictions on her had been relaxed.

After a six-hour wait during which Security Police communicated with their superiors, reinforcements arrived and after a brief struggle she was taken away.

Her daughter Zinzi said: "We are very angry. My mother has taken a stand that we all support. This is her rightful home."

"It is a pity she alone, a woman for that matter, had to be forcibly removed from her home by a contingent of policemen."

"We are angry that they are doing all this when we are supposed to be visiting my father at Pollsmoor on Christmas Day," she said.

In terms of the amendments to her restriction order, Mrs Mandela is no longer forced to remain at her Brandfort home in the Free State and may now attend social gatherings which are not political meetings.

Her lawyer added that in terms of the relaxation, she may now travel and live anywhere in South Africa except the Johannesburg and Roodepoort magisterial districts.

A police spokesman said he could not add to what Mr Le Grange had already announced.

Last month the Security Police ordered her to return to Brandfort where she had been banished since 1977.

The order came after her Brandfort home was fire-bombed. She moved back to her Soweto home which she once shared with her husband, jailed African National Congress leader Nelson Mandela.

Top UCT man questioned by police

Staff Reporter

THE head of the department of Southern African studies at the University of Cape Town, Professor David Welsh, was questioned by security police in Oudtshoorn last week.

Professor Welsh said he had been on his way back through the town on Wednesday after a holiday and had known that the 12-year-old

daughter of a friend was being charged with public violence with about 200 other people, many of them children.

"I found the accused and their families milling around the local Magistrate's Court. There was no room for them all inside," he said. "Their hearing was to be in the police station courtyard.

"I was standing among them looking for the girl,

who is the daughter of a friend of mine, when I was approached by a police colonel. He asked me what my business was and then told me to leave," Professor Welsh said.

"On my way up through Oudtshoorn a few days earlier, I had made a great fuss about the hearing. I had told the prosecutor that the situation was outrageous and that I'd be back for the

case. After being told to leave by the colonel, I returned early in the afternoon to find that none of the children had been released. Another policeman then approached me and asked me to go with him.

"He took me to the police station, where three security policemen questioned me for half-an-hour. They wanted to know what I was

doing in Oudtshoorn. I told them.

"They asked me whether I wanted to stir up trouble. I replied that the blacks there were already in an excited state.

"I believe that the authorities in Oudtshoorn are terrified of outsiders," Professor Welsh said. "They are obviously very suspicious of any whites who take an interest in their judicial process."

Mandela appears in court: No charges

JOHANNESBURG. — Mrs Winnie Mandela, wife of jailed ANC leader Mr Nelson Mandela, yesterday appeared briefly in the Johannesburg Magistrate's Court.

Charges were not put to her and she was warned to appear on January 22 after the magistrate, Mr H Brandt, dismissed a request by the State for bail of R500 to be set.

Warning her to appear on January 22, Mr Brandt asked Mrs Mandela if she understood his instructions. Mrs Mandela replied: "Your Worship, I understand English."

Mrs Mandela's appearance was a sequel to her arrest for allegedly contravening the terms of her banning order, amended at the weekend to prevent her entering the municipal boundaries of Johannesburg or Roodepoort.

After being removed from her Soweto home by police on Saturday, Mrs Mandela was later arrested for returning to the house.

According to court records, charges, if they are formulated, may be framed in terms of Section 56 (1) C of the Internal Security Act, (Act 74 of 1982), which relate to the failure to comply with the terms of a banning order.

Spectators and reporters crammed into the courtroom, while cameramen stood on benches outside and craned through the windows.

At least 30 policemen in blue riot uniforms stood outside.

By 11am, more than 100 people were crowded into the courtroom. Just before noon detectives entered the court to order all those not seated to leave the room immediately. Among those ordered out was Mr Jerry Jackson, a representative of the American Embassy who was to observe the hearing.

Representatives from national and international news organizations were present, including several journalists who were briefly detained on Sunday at the Mandela home in Soweto.

Photographers and an excited crowd of almost 100 people mobbed Mrs Mandela as she emerged from the door of the court building after her release.

The smiling crowd swept Mrs Mandela and her daughter to her attorney's offices, causing a number of short traffic jams.

Photographers scrambled over each other in their haste and members of the crowd chanted "Viva, Viva" and "Mayibuye".

Mrs Mandela, her ankle bandaged, arrived in Cape Town last night for her annual Christmas Day visit to her husband. She her daughter Zinzi and her grandchildren will visit Mr Mandela in Pollsmoor Prison tomorrow. — Own Correspondent and Sapa

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soon be faced with a bet... A jubilant Mrs Winnie Mandela greets them

Sea Point vigil: Two in court

Cape Times 24/12/85 331
Court Reporter

ARGUS reporter Mr Vernon Matzopoulos yesterday appeared in the Cape Town Magistrate's Court after spending 12 days in detention.

Mr Matzopoulos and co-accused Mr Guy Tillem, both of Mowbray, were arrested on December 11 at a candle-

light vigil in Sea Point.

No charges were put to the two men and they were not asked to plead.

The hearing was adjourned to January 15 and the men were warned to appear.

Mr W J P Marais was the magistrate. Mr L S Moffitt appeared for the State. Mr L G Murray appeared for Mr Matzopoulos. Mr Tillem was not represented.

Cape Times, Tuesday, December 24, 1985

Bomb outrage, Mandela top overseas news

LONDON. — Two events in South Africa — the Amman hotel bombing and the arrest of Mrs Winnie Mandela — dominated overseas news bulletins yesterday.

Midnight television and news programmes in Britain led to reports about the bomb explosion at the Natal resort while Mrs Mandela's court appearance led the second slot.

Television footage from Amman showed shattered windows and blood stains on the floor after the explosion. The Foreign Office here said they explored and regretted the bombing.

"We have consistently condemned the use of violence from whatever quarter, as a means of pursuing political objectives," he added.

And US State Department spokesman Mr Charles Redman said Washington also condemned the bombing.

"We call on all parties in South Africa to move towards negotiations and not confrontation," Mr Redman said.

The footage shot at Mrs Mandela's court appearance showed her mingling with jubilant crowds in the street after her release from custody.

Mrs Mandela, who may not be quoted in South Africa, left reporters outside the courtroom in no doubt about her intention to return to her Soweto home.

In Washington President Reagan's administration criticized the banning order under which Mrs Mandela was arrested and said it deplored the arrest.

White House spokesman Mr Larry Speakes issued a statement expressing concern that the move could lead to further escalation of tensions in South Africa.

He said the US had made a formal protest to South Africa's embassy in Washington and had sent an observer from the US consulate in Johannesburg to Mrs Mandela's court hearing.

"Our consistent policy has been to reject any banning and any arrests stemming from a banning order," he said.

The action against the wife of the jailed leader of the African National Congress continued to raise anger in Britain yesterday.

The shadow foreign secretary, Mr Denis Healey, said: "In the week before Christmas, President P W Botha has invaded Angola yet again, has sent his death squads into the independent state of Lesotho to murder his opponents, has moved a great stride towards martial law itself and, finally, has arrested Mrs Mandela for the crime of living in her own home."

"Yet Mrs Thatcher has just provided government finance for a trade mission to South Africa... Her odious hypocrisy over apartheid is a disgrace to Britain."

Progressive Federal Party MP Mrs Helen Suzman, interviewed on a BBC Radio news programme, described the action against Mrs Mandela as one of

"monumental stupidity".

The restrictions against Mrs Mandela — which, Mrs Suzman said, should not have been imposed in the first place — should have been lifted completely, not just in part. "This action against her is just asking for awful trouble in Soweto."

Mrs Suzman said she hoped the police would leave Mrs Mandela alone if she returned to Soweto.

A leading member of the ANC executive, Mr Thabo Mbeki, also spoke on the same programme. He may not be quoted in South Africa.

Reports of Mrs Mandela's arrest were splashed across the front pages of all the quality daily newspapers in Britain yesterday. Both the Telegraph and the Guardian devoted their

leader comments to the action against Mrs Mandela.

The tabloids also carried reports documenting the action against "Winnie the Defiant". The news even made the front page of some provincial papers.

The conservative Daily Telegraph said in their editorial that Mrs Mandela's arrest, "however short-lived, will confirm the world's opinion of South Africa as a police state".

The Guardian editorial was headed: "When the crime is merely going home."

It said: "The arrest of Winnie Mandela is exactly the kind of encouragement protesters at home and abroad need to sustain their campaign for more sanctions." — Own Correspondent and Sapa-Reuter-AP



A jubilant Mrs Winnie Mandela greets friends outside the Johannesburg Magistrate's Court yesterday after her release from custody. Picture: Daniel Simon

or else by some of the maverick offshoots

venge by violating everything — "even your children".

Winnie's Soweto plans unclear



CHRIS CAIRNCROSS

WINNIE MANDELA'S return to Soweto depends on how many more times this week she will be allowed to visit her jailed husband, Nelson Mandela, in Pollsmoor prison, Cape Town.

She must, however, return to Johannesburg by tomorrow, the day set down for an application in the Supreme Court asking for the order banning her from the Johannesburg and Roodepoort magisterial districts to be set aside.

She and members of her family visited Mandela for an hour on Sunday. A further visit was scheduled for yesterday. Any others later in the week will depend on prison authorities.

During some of the visits Mandela was accompanied by representatives of the family attorneys — Ismail Ayob & Associates.

One of the attorneys, Akbar Ayob, who has since returned to Pretoria, refused to reveal details of consultations with the jailed ANC leader, saying they were a purely family affair.

He was further prevented from saying anything about the meetings by the Prisons Act.

He confirmed that Winnie Mandela would almost certainly be returning to Soweto before tomorrow.

He said that at this stage it was uncertain what progress had been made in persuading the police not to arrest her until the court application had been heard.

Winnie Mandela was forcibly removed from her Soweto home on December 23 in terms of her new banning order.

She was subsequently released on her own recognisances. She is to stand trial some time in January on, as yet, unspecified charges.

Blackburn, Bishop die in E Cape motor smash

MOLLY BLACKBURN, MPC for Walmer and human rights activist in the Eastern Cape, and Dr Brian Bishop, MPC for Gardens, died on Saturday in a motor accident near Humansdorp.

Blackburn's sister, Judy Chalmers, and Dr Bishop's wife, Di Bishop, were injured.

Reports indicate that the four were returning to Port Elizabeth from Oudtshoorn when the accident happened.

A police spokesman said Blackburn's car was involved in a head-on collision at about 8.30 pm on Saturday on the road between Kareedouw and Humansdorp.

The driver of the other vehicle, who was also killed, has not been identified.

The two injured women were admitted to the Humansdorp hospital and later transferred to the provincial hospital in Port Elizabeth.

Blackburn had been detained several times for entering black townships in the Eastern Cape without police permission.

Dr Bishop was a prominent civil rights activist in Cape Town.

Dr Frederik van Zyl Slabbert, leader of the PFP, yesterday expressed his deep shock at the news of the death of Molly Blackburn.



● SLABBERT

In a statement Slabbert said: "I am deeply shocked by the sudden and tragic death of Molly Blackburn. She was a courageous fighter for justice and had very high credibility and admiration from many black South Africans and colleagues.

"She will be sorely missed wherever communication between black and white is needed." — Sapa.

Winnie's Soweto plans unclear



CHRIS CARMICHAEL

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Cape Times 31/12/68
Magazine
quotes
Tambo

Political Staff 331

THE South African magazine Leadership has quoted the listed leader of the African National Congress, Mr Oliver Tambo, and a prominent member of the South African Communist Party, Mr Joe Slovo, also listed.

Both Mr Tambo and Mr Slovo are named on the consolidated list of people who may not be quoted in South Africa without the permission of the government.

Both Mr Tambo and Mr Slovo, who was elected to the ANC executive earlier this year, were quoted in an article in the latest issue by Mr Hugh Murray, its editor.

Mr Murray quoted directly from BBC transcripts of speeches by Mr Tambo on Radio Freedom on September 7 and October 15 this year and a broadcast on Radio Freedom by Mr Slovo on October 6.

No indication was given in the article whether official permission was granted.

● Soon after the Editor of the Cape Times, Mr Anthony Heard, was charged for publishing an interview with Mr Tambo, it was revealed that Mr Tambo had also been quoted in the Citizen and the Aida Parker Newsletter, but neither publication has yet been charged for it.